

Application Number: 1/17/16/083
Date Registered: 04/10/2016
Parishes: Cheddar and Shipham
District: Sedgemoor
Member Division: Cheddar and Shipham Ward
Local Member: Nigel Taylor
Case Officer: Ben Gilpin
Contact Details: 01823 359738
bgilpin@somerset.gov.uk

Description of Application: Northern lateral extension to the existing quarry, consolidation and regularisation of existing operations and associated ancillary development

Grid Reference: E: 344076 N: 156020
Applicant: Aggregate Industries UK Limited
Location: Callow Rock Quarry, Shipham Gorge, Cheddar, Somerset, BS27 3DQ

1. Summary of Key Issues and Recommendation(s)

1.1 The key issues for Members to consider are:

- The Principle of Development;
- The Need for the mineral/extension;
- Impact on Highways;
- Impact upon amenity (residential and users of the Area of Outstanding Natural Beauty (AONB)) – noise / dust / light pollution;
- Visual & Landscape Character Impact;
- Ecology (including possible effects on SSSI and SAC)
- Water Management (subterranean / surface water)
- Archaeology / Heritage Assets
- Loss of Agricultural Land
- Impact on of Public Rights of Way (PRoW)
- Other Matters (impacts from blasting / impact on property values from the development)
- Planning Balance (consideration of the benefits and detrimental aspects of the development) / Section 106 Agreement

It is recommended that planning permission be GRANTED subject to:

- a) the imposition of the conditions in section 10 of this report; and,**
- b) the signing of a Section 106 Legal Agreement to include the following:**

- **The securing and delivery of compensatory land for the Grassland Ecological Network (GEN) to provide alternative GEN land for that which would be lost as a result of this development;**
- **To ensure the adjacent reserves identified as / written agreement that no extraction of mineral reserves are to take place at Shipham Hill Quarry to the east of Callow Rock Quarry for the duration of extraction at Callow Rock Quarry),**

And that authority to undertake any minor non-material editing, which may be necessary to the wording of those planning conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

2. Description of the Site

- 2.1 The planning application site area comprises 3 separate fields to the north of the northern boundary of the existing consented Limestone Aggregate quarry, and the mineral reserve beneath, and the existing quarry area to the south of the Northern Extension area. The area of new extraction in the wider site is referred to as the 'Northern Extension' in this report.
- 2.2 The nearest residential properties (built form) to the proposed site not in the control of the applicant are, to the north: Drove Farm (circa 230 metres from the Northern Extension boundary); to the east: Lilypool Farm (circa 320 metres from the Northern Extension boundary); to the south: St Michaels Cheshire Home (circa 1.35km from the Northern Extension boundary); and to the west: Cherry Tree Farm (circa 980 metres from the Northern Extension boundary).
- 2.3 The site is in the Mendip Hills Area of Outstanding Natural Beauty (AONB). The site is identified as being in the Grassland Ecological Network (GEN) area (in the Somerset Mineral Plan) – part of the Callow Drove Fields Local Wildlife Site (LWS – reference ST45/025). The nearest heritage asset (Cherry Tree Farm – Grade II Listed Building) is circa 980 metres to the west of the Northern Extension boundary. To the immediate south of the existing site is Cheddar Wood SSSI, with the Mendip Woodlands SAC being circa 150 metres south of the existing site boundary.
- 2.4 Across the southern boundary of the Northern Extension runs the 'AX13/7' Public Right of Way (PRoW), which is detailed as a 'Footpath'. This PRoW would be directly affected and it is proposed to be diverted. The Open Access Land (OAL) to the north and east of the Northern Extension (identified on the 'Explore Somerset' Definitive Map as 'Area 212') will be unaffected.
- 2.5 The site is within the Crushed Rock Safeguarded Area as defined in the Somerset Minerals Local Plan (2015).

The Somerset Minerals Plan states in Objective 'A' that:

Objective A

To ensure that Somerset is able to provide an adequate and steady supply of minerals, contributing to national, regional and local requirements without compromising the natural and historic environment, supporting in particular:

- *the county's nationally important role in crushed rock supply*

- 2.6 There has been an operational quarry at this site since 1961 (albeit smaller at that time). The main product quarried is crushed rock, identified in the Somerset Minerals Plan as a product that supports and contributes to the nationally important crushed rock supply.
- 2.7 The Callow Rock Quarry complex consists of one large quarry site and concrete block manufacturing plant, and the Northern Extension area is located approximately 1.2 km south of the centre of Shipham and 3.1 km northwest of Cheddar. The site is accessed from Shipham Road to the east (an existing access point).
- 2.8 The quarry complex is located immediately to the north of a gently sloping ridge which runs east-west. It lies within a rural area used predominantly for agricultural grazing and quarrying.
- 2.9 The planning application site area (extension) is 12 hectares and the proposed maximum depth of working is 110 metres. The total site area is 55 hectares (this includes the 12 hectare Northern Extension). It is detailed that the overall site will deliver 30 million tonnes of saleable mineral (limestone).

3. Site History

- 3.1 The relevant planning history of the site is as follows:
- 1/17/15/052: Application under Section 96 of the Environment Act 1995 for the First Periodic Review of Permissions IDO/S/10/B dated: 24 November 1994 and 1/17/18/048 dated: 26 July 2013 – awaiting decision;
 - 1/17/13/048: Small scale 1.5ha Extension to the Quarry at Mid Depth – conditionally approved;
 - 1/17/06/129: Erection of 2.5 metre high explosives store – conditionally approved;
 - 1/17/03/003: installation of concrete block manufacturing plant – conditionally approved;
 - 1/17/00/035: S73 to work without compliance with Condition 6, 7 and 9 of PP 1/17/88/083 dated 2/8/88 for the concrete block and paver making plant – conditionally approved;

- 1/17/97/044: Extension to existing offices at Callow Rock Quarry, Shipham – conditionally approved;
- IDO/S/10/B: Notice of Determination of Conditions to which an Interim Development Order (IDO) Permission is to be subject – conditionally approved;
- 1/17/89/077: The construction of new quarry access, weighbridge, wheel wash, realignment of internal roads and other ancillary works at Callow Rock Quarry – conditionally approved;
- 1/17/84/063: The formation of vehicular access and parking area for quarry offices – conditionally approved

4. The Proposal

4.1 This full planning application seeks planning permission for the extraction of minerals (crushed rock) from the Northern Extension at the Callow Rock Quarry complex at Shipham, with the Northern Extension and existing quarry identified as the site.

4.2 The site area, depth and volumes proposed for extraction are identified in Section 2 above.

4.3 As an overview the following is proposed:

- The development proposes to extract a further 30 million tonnes of mineral reserve, with an end date of December 2067 (25 years after the existing end date (February 2042));
- The proposed output rate of mineral reserve is approximately 800,000 tonnes per annum (as at present);
- The hours of operation at the quarry are proposed to be the same as at present, being:

	<u>Enter</u>	<u>Leave</u>
Mondays to Fridays	0600 to 2100	0630 to 2100
Saturdays	0700 to 1700	0700 to 1700
Sundays and Public Holidays	0800 to 1300	0800 to 1300

- The extraction would be worked in 3 phases, from east to west, with the 4th phase being the final extraction;
- The site is to be fully restored on cessation of mineral extraction;
- The reason for the planning application is to secure access to the reserves identified as circa 2 years' worth of practically accessible reserve remain at the present site (from the date of submission in 2016);

- The development proposed would secure the 52 Full Time Employee (FTE) positions at the site, with the indirect delivery from those employees of an estimated £1 million to the local economy each year.

5. The Application

5.1 Documents submitted with the original planning application are:

Plans:

PLAN Site Location 2443-4-1-DR-0001-S5-P1
 PLAN Proposed Restoration 2443-4-1-DR-0004-S5-P3
 PLAN Proposed Footpath Diversion 2443-4-4-5-DR-0002-S5-P1
 PLAN Phase 4 2443-4-1-DR-0013-S5-P1
 PLAN Phase 3 2443-4-1-DR-0012-S5-P1
 PLAN Phase 2 2443-4-1-DR-0011-S5-P1
 PLAN Phase 1 2443-4-1-DR-0010-S5-P1
 PLAN Fence Detail 2443-4-4-5-DR-0003-S5-P1
 PLAN Initial Works 2443-4-1-DR-0009-S5-P1
 PLAN Existing Conditions 2443-4-1-DR-0006-S5-P2
 PLAN Exhibition Photomontage 2443-4-1-2-VS-0002-S3
 PLAN Exhibition Phasing and Restoration 2443-4-1-DR-0014-S5-P1
 PLAN Exhibition Location Plan 2443-4-1-DR-0016-S5-P1
 PLAN Exhibition Existing Conditions 2443-4-1-DR-0015-S5-P1
 PLAN Exhibition Cross Sections 2443-4-1-DR-0017-S5-P1

Reports / Documents:

Scoping Response SCC 250816
 PLANNING APPLICATION SUPPORTING STATEMENT FINAL (300916
 Permission 1_17_13_048 26 July 2013)
 IDO Permission IDO-S-10-B 25 Nov 1994 Exhibition Leaflet
 ES Non-Technical Summary FINAL 300916
 Certificate B Signed
 Callow Submission letter to SCC 300916
 Article 13 Notice Signed
 Application Forms Callow Rock Quarry
 Additional Enviro Information Letter
 Additional Environmental Information report

Environmental Statement:

ES EcIA CALLOW ROCK NOV 2016
 ES EcIA CALLOW ROCK APPENDICES Horseshoe bats NOV 2016
 ES EcIA INVERTEBRATE SURVEY NOV 2016
 ES EcIA INVERTEBRATE SURVEY APPENDICES 2016
 ES EcIA BAT SURVEY OCT 2016
 ES LVIA Figs VS-0001-9 Photomontage-Viewpoints
 ES LVIA Visibility Cross Sections Figs LV-0008 -14
 ES LVIA Site Location Fig LV-0001

ES LVIA Restoration Proposals Fig LV-0007
 ES LVIA Representative Viewpoints and ZSV Fig LV-0005
 ES LVIA Landscape Value Fig LV-0004
 ES LVIA Landscape Strategy Fig LV-0006
 ES LVIA Landscape Features Fig LV-0003
 ES LVIA Covering Statement
 ES LVIA Landscape Context Fig LV-0002
 ES APPX6 AIR QUALITY Assessment
 ES APPX2 LVIA as full document including all plans and appendices
 ES APPX1 TRANSPT Main Text Figures AECOM TA Part 1 of 2
 ES APPX1 TRANSPT Appendices B to E AECOM TA Part 2 of 2
 ES APPX 9 Agriculture and Soils (Callow Quarry)
 ES APPX 8 Callow Archaeology
 ES APPX 8 Arch Appendix3
 ES APPX 8 Arch Appendix2
 ES APPX 8 Arch Appendix 1
 ES APPX 7 Hydrology, Hydrogeology and FRA v2
 ES APPX 5 Callow Rock Blast Vibration Impact Assessment v2
 ES APPX 4 Callow Rock Noise Impact Assessment v3
 ENVIRONMENTAL STATEMENT main document
 ES PLAN 2443-4-4-5-DR-0003-S5-P1_Fence Detail
 ES PLAN 2443-4-4-5-DR-0002-S5-P1_Proposed Footpath Diversion
 ES PLAN 2443-4-1-DR-0013-S5-P1_Phase 4
 ES PLAN 2443-4-1-DR-0012-S5-P1_Phase 3
 ES PLAN 2443-4-1-DR-0011-S5-P1_Phase 2
 ES PLAN 2443-4-1-DR-0010-S5-P1_Phase 1
 ES PLAN 2443-4-1-DR-0009-S5-P1_Initial Works
 ES PLAN 2443-4-1-DR-0006-S5-P2_Existing Conditions
 ES PLAN 2443-4-1-DR-0004-S5-P3_Proposed Restoration
 ES PLAN 2443-4-1-DR-0001-S5-P1-Site Location

5.2 Following initial consultation no additional information was formally requested under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regs).

6. Environmental Impact Assessment (EIA)

6.1 The applicant screened the proposal and acknowledged the proposed development would be deemed EIA development.

6.2 The applicant made a formal 'Scoping Opinion' request to Somerset County Council (SCC). The formal 'Scoping Opinion' (SCC reference 1/17/16/2952/Scoping) was issued to the agent of the current planning application on 25th August 2016.

6.3 This document, as listed above, and published online / on file, identified all elements that would need consideration as part of the formal Environmental Statement (ES) that would be required to accompany and support the planning application (contained and set out in the Environmental Impact Assessment findings from the proposed development).

6.4 The ES submission has been considered and commented upon by interested parties and Statutory Consultees as part of the planning application process.

7. Consultation Responses Received

7.1 SEDGEMOOR DISTRICT COUNCIL:

NO OBJECTION:

There is no objection to this development.

7.2 CHEDDAR PARISH COUNCIL:

OBJECTION:

Cheddar PC would like to object to this application for the following reasons:

- It is in the AONB which is a protected landscape and adjacent to the Cheddar Wood SSSI and circa 150 metres north of the Mendip Woodlands SAC.
- The extra traffic will amount to 263 lorry movements per day or 71,000 per year which will significantly impact on the quality of life for residents of Cheddar for an additional 38 years and will have a detrimental impact on Cheddar's status as a tourist location;
- Shipham Hill has no pavement and is a steep narrow winding hill popular with tourists and cycling clubs and the extra traffic will exacerbate the danger to users;
- There is no emergency escape route on this steep hill, with a petrol station at the bottom;
- The Magic Roundabout is not fit for purpose and has recently been the subject of an investigation by engineering consultants HYDROC who have indicated it is possible to change it to a conventional roundabout as previously suggested as possible by HYDROC consulting engineers, plus additional pedestrian footways being implemented on Shipham Hill, and the vicinity of the 'Magic Roundabout';
- The committee also objected to the proposed diversion of Callow Drove, being twice as long and less inconvenient;
- The proposed Bridle Path should be a dedicated right of way rather than proposed and the footpath ends in a cul de sac which is not good practice.

7.3 SHIPHAM PARISH COUNCIL:

NO OBJECTION:

Shipham Parish Council have received and discussed the above application again following the further information received.

The PC wish to add that a Section 106 should be added to the conditions to this application if granted for contributions to improving the "Magic

Roundabout” at the bottom of Shipham Hill given that it is such a large application with far ranging effects of traffic movement.

7.4 **SCC HIGHWAYS:**

NO OBJECTION:

The submitted planning application includes a Transport Assessment (TA) written by AECOM (Sept 2016). This assessment clearly sets out the existing use on the site and the associated traffic generated, routing of HGV's associated with the site together with access arrangements. The document also reviewed the recorded PIC (Personal Injury Collisions) within the vicinity of the site and at the Axbridge Rd / Shipham Road (A3135) / Upper New Road (A371) / junction (locally known as the “Magic Roundabout”). The document also details the proposed access and traffic impact together with accessibility of the site by non-car mode of transport. The HA consider that the methodology as set out within the document is acceptable.

The TA is comprehensive particularly as there will be no increase in production and therefore no increase in traffic generated. Traffic movements will continue as existing and utilise the existing access points into the site as appropriate. A review of the recorded PIC's show that there appear to be no local highway safety concerns associated with the site and the traffic movement currently generated. Whilst a study of the % of HGV movements going through the “Magic Roundabout “ was conducted the TA concluded that as the proposal would not increase traffic movements at either the junctions or on the local highway network therefore, it would not be appropriate at this time to consider off site highway mitigation. The Highway Authority will not be seeking off site mitigation or contributions at this time.

Therefore, in conclusion after reviewing the submitted documentation the Highway Authority have no objections to the above proposal.

7.5 **SCC LANDSCAPE CONSULTANTS:**

NO OBJECTION subject to planning conditions / mitigation:

Although it is acknowledged that the proposed development will affect the landscape and views from a few close proximity receptors, these relatively limited effects will be acceptable, particularly with the implementation and long-term and continued management of the proposed landscape mitigation measures.

The key issue in relation to the proposed development is the potential influence on the nationally recognised AONB. It is acknowledged, that due to the proposed development's location, that the extension to the existing quarry will influence the setting of the AONB. However, these effects will be relatively limited provided the mitigation measures prior to excavation, during working and following completion are followed. In addition, the location of the proposed development adjacent to an existing working quarry, within a

landscape currently and historically influenced by quarrying activity, will not significantly increase the effects on the wider landscape character, selected views or the setting of the AONB.

7.6 SCC PLANNING POLICY:

NO OBJECTION

The policy team believes that the application demonstrates benefits to the local economy. The applicant has also explained the need for the extension, where there are currently only one to two years of life remaining at the current output levels, despite mineral resource continuing to exist in the current quarry. There is therefore a risk in sterilising the mineral resource identified in the proposed extension area.

It is considered that the principles of extending the quarry, when considered alongside other factors, is acceptable from a policy perspective if supported by adequate justification on the benefits of the development and evidence that adverse impacts will be appropriately mitigated.

In addition, consideration will need to be given to the restoration scheme, in accordance with Policy DM7 (and Table 7) of the emerging Somerset Minerals Plan.

7.7 NATURAL ENGLAND:

NO OBJECTION subject to planning conditions / s.106 Agreement:

Thank you for your consultation. Natural England agrees with the conclusion of the HRA that, provided that the two recommendations on relating to dust suppression measures and horseshoe bat replacement habitat are conditioned or subject to a s106 agreement, the proposed extension is unlikely to effect the integrity of European designated sites.

7.8 ENVIRONMENT AGENCY:

NO OBJECTION subject to planning conditions / applicant informative:

We have no objection subject to the inclusion of the following conditions in any grant of planning consent:

Conditions:

Prior to the commencement of operations, a 'scheme' for water resource and water quality monitoring, analysis and interpretation shall first be submitted to, and approved in writing by the Mineral Planning Authority.

Reason: Protection of controlled waters.

Prior to commencement of operations a 'scheme' that will provide for maintenance of spring flows, stream flows and their water quality, shall first be submitted to, and approved in writing by the Mineral Planning Authority.

Reason: Protection of controlled waters.

Prior to commencement of operations, a 'scheme' that will provide for maintenance of Private & Licensed Water Interests and their water quality shall first be submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: Protection of controlled waters.

Prior to commencement of operations, a scheme for the provision of regular Hydrological and Hydrogeological monitoring data reporting, analysis and interpretative reviews to the Environment Agency and Mineral Planning Authority should be agreed in writing by the Mineral Planning Authority. The scheme shall thereafter be submitted in accordance with the approved details.

Reason: Protection of controlled waters.

For the purposes of facilitating and verifying the discharge of their obligations, the site operator shall maintain in good working order any water resources monitoring facilities (i.e. stream flow measuring stations) to the reasonable satisfaction of the Environment Agency. Where any such monitoring facility becomes unserviceable details of appropriate replacement facilities should be submitted to and agreed in writing by the Mineral Planning Authority in consultation with the Environment Agency. Replacement monitoring facilities shall thereafter be put into operation and maintained as agreed.

Reason: Protection of controlled waters.

Guidance to Mineral Planning Authority/Applicant:

Guiding principles are that any future discharge augmentation or water quality improvements to said (spring flows and stream flows, Private & Licensed Water Interests) be sufficient to maintain 'natural' flow and quality levels and that they are to be maintained for the duration of quarrying operations and thereafter until the natural water balance has been restored. If you are minded to approve the application contrary to the above advice, it is considered essential that you contact the Agency to discuss the implications prior to determination of the application.

7.9 **SCC LEAD LOCAL FLOOD AUTHORITY (LLFA):**

NO OBJECTION:

Having reviewed the information submitted the LLFA has no objections to this application as submitted.

7.10 SCC PUBLIC RIGHTS OF WAY:

NO OBJECTION subject to applicant informative:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (footpath AX 13/7) There is also a definitive map modification order (DMMO) application for a bridleway along the existing footpath. I have attached a plan for your information.

The current proposal will obstruct the footpath.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

Somerset County Council's Rights of Way Group have received an application form for the diversion of this public footpath. This application is useful in the context of the planning submission, however given the definitive map modification order (DMMO) application for a bridleway along the existing footpath, it will mean that the proposed diversion will not be processed until such time as the DMMO application has been determined (comment – no time line for such a determination has been provided). For any further information on this matter please contact Mr Peter Hobleby, Rights of Way Service Manager (pahobleby@somerset.gov.uk).

The County Council does not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

7.11 **SCC ACOUSTICS ADVISOR:** Comments

This email supplements comments I made in my report 302620N.354v1 on 23/12/16 and is based on consideration of Aggregate Industries ES – Additional Environmental Information (April 2017). Section 2.4 to 2.25 presents additional information covering several aspects associated with noise impacts and my comments on these points are as follows:

1. The construction of the perimeter bund is confirmed (para 2.5) to take place prior to any mineral extraction and as such there would not appear to be a risk of the combination of construction and extraction noise sources.

Construction of the bund and the total area soil strip is stated to last longer than the 2-3 weeks indicated in the initial noise impact assessment and to take 3-4 weeks. This is therefore a reasonably short period of time and less than the eight week period permitted under NPPF guidance. The reasonably short period for these temporary activities is the consequence of a small bund formation and shallow top soil / subsoil combined total depth ranging between 20cm to 40cm.

Looking at the detail of the bund, comparing spot heights on drawings DR-006 and DR-0010 and using the 3:1 / 2:1 external / internal bund profile assumption it would appear total minimum bund volume is approximately 11,000m³ plus the requirements at the northern corners of the bunded enclosure. Based on the total strip area of 108,000m² the estimated minimum bund volume would require a soil depth of approximately 10cm.

This estimate, and the Agriculture and Soils report indication that the site may yield 29,200m³ of soils, would therefore appear to show adequate material to achieve the indicated bund profile.

Paragraph 2.12 makes the point that the bund is a screening landform and this would be confirmed from final upper perimeter bench heights that are approximately 5m below nearest bund crest heights. As such the classification of the construction of the bund and the land strip would justify relaxed noise

conditions under present NPPF guidance. The impacts of this 3-4 week period of temporary work, as demonstrated by the applicant's noise predictions, would be well within the noise limits of 70dB(A) permitted for these activities under NPPF guidance.

In my view it would seem reasonable for any subsequent consent to contain a specific condition to indicate a relaxation of noise conditions during the period of land-strip and bund construction. The initial activities to establish the bund footings would represent the greatest noise and a noticeable change to the noise environment to properties to the north. While the noise impacts of these temporary works would be well within the 70dB(A) NPPF limit, I would suggest that there may be potential benefit in delaying the starting times of operations so as to avoid risk of early morning disturbance and to align with the daytime hours of the PPGN recommendation of 07:00-19:00.

2. The requirement for further explanation of working methods stems from missing descriptions and durations in the initial submission and from confusion with the situations described by the drawing titles. It would now appear the drawings provided are phases of time and that these are not necessarily restricted to showing the working of individual phase areas of the site.

The drawing DR-0009 'Initial Works' does not indicate the situation of initial work at the commencement of stone extraction that would be expected to occur following land strip. DR-0009 indicates a situation at the completion of what is expected to be up to 16m of stone removal (226m from a ground height 243m less 1m soil) within the phase 1 area that is still not described in any detail. Drawing DR-0009 would also indicate levelled surfaces were present in phase 2 and phase 3 areas, but does not show the surface heights and it is therefore difficult to deduce what activity will have taken place within these areas to arrive at the 'Initial Works' situation. The drawing DR-0010 'Phase 1' actually shows that the phase 2 area has been levelled by approximately 11m to 226m AOD in addition to the phase one bench development to 214m.

The applicants' recent response is still confusing and states "After soil stripping, extraction of limestone will commence in Phase 1 as shown on Drawing No. DR0009 (Initial Works). The quantity of limestone to be removed in order to reach the face positions shown on Phase 1 will be approximately 1.1 million tonnes down to a level of 226mAOD". I assume this statement refers to the stone above the phase 1 area and not the phase 1 drawing, otherwise the statement above would appear to contradict the following statement in paragraph 2.14 that states "The upper benches in Phase 2 [that are show worked in the phase 1 drawing] will release approximately 1.1 million tonnes of limestone down to a level of 226mAOD and a further 1.1 million tonnes down to a level of 214mAOD. The estimated timeframes associated with these stages of extraction operations are approximately 1 - 1.5 years (to 226m AOD)". It would therefore appear 2.2Mt of stone will be removed over 3 years before achieving the situation identified as 'Phase 1' in drawing DR-0010. This drawing indicates a levelled surface height of 226m

AOD within the phase 1 and phase 2 area, and a point where surface operations would be screened by greater surrounding bund and face heights and, when combined with the lower topography of surrounding residential development near to the site, provide effective acoustic screening. The additional time to sink the lower benches shown in DR-0010 in the phase 1 area is then 9 months.

It is not clear at what point extraction will return to the surface of the phase 3 area but it is now estimated that 6 months is necessary to reduce this area to a surface height of 226m AOD. This would therefore suggest the duration of the most exposed surface activities, involved in achieving a working depth of 226m AOD over the entire site, would last a total of 3.5 years.

In my view there would still remain a lack of detail to the operators approach in undertaking the initial reduction in rock height and diagrammatic description from the completion of soil strip to 'Initial Works' would have been helpful. This would appear to amount to a 16m depth in rock height in the middle area of phase 1 and I would suppose this would represent significant activity prior to the initial point of consideration that is currently inferred by the 'Initial Works' drawing DR-0009.

These initial extraction activities are likely to represent the periods of greatest noise impact and change to residents and will continue for 3.5 years until the point when a level of 226m AOD has been achieved (shown in the Initial Works drawing DR-00009). While operations would be expected to comply with the existing daytime noise conditions permitted under the NPPF, the MPA may consider that better detailing is required to describe the working during this period, particularly when they might be expect this to give rise to resident's concerns at the onset of quarrying in a new area.

3. The residential (or occupational) status of Drove Farm still remains uncertain and this needs to be clarified by SCC if noise limits are to be applied to this location. The applicant has now provided noise level predictions for this location without interpretation however the calculations indicate noise at Drove Farm from unscreened machinery that includes an excavator, or dumper or dozer would individually not exceed 47dB(A) and when combined the 51dB(A) is seen to remain well below the temporary limits for bund works.

The predicted noise from extraction activities is 46dB(A) and has been based on an upper bench height of 235m AOD. The location of the bund crest at 237m AOD and the property elevation at 178.5m AOD would suggest significant attenuation and would suggest safe compliance if adopting the existing noise limits of 55dB(A) currently applied at any noise sensitive property between 07:00-19:00. Noise may be greater during the undescribed works prior to 'Initial Works' and may exceed the existing morning and evening noise limits of 45dB(A) and as such the existing noise condition may curtail these initial extraction activities that are more exposed and prior to establishing the 226m AOD upper bench.

If a noise condition similar to the 2013 consent is to be adopted for this development then the issue of residential status becomes less significant as Drove Farm might be considered as 'any noise sensitive property' under circumstances of occupation.

4. The applicant makes valid points with regard to the long-term presence of existing noise at Callow Bungalow and the fact that direct impacts from the expansion area will not be significant at this location. However the outcome from the proposed development will be to greatly increase the life and duration of existing transport impacts experienced at the bungalow.

The operator indicates the tenant to be the weighbridge operator and as such I would expect them to have an acceptance of site noise well beyond that likely to be tolerated by un-associated tenants.

The applicant suggests a planning condition applied to Callow Rock Bungalow might fail to meet the tests of validity outlined in NPPF guidance and I have reviewed these aspects as follows:

- necessary, [conditions would seem necessary if planning was considered to have a role to afford protection against an escalation of noise under these circumstances of tenancy. Failure to afford some protection against noise could make occupation difficult particularly if sleep was disturbed. In the situation where the tenant is an employee it would not be in the interests of the operator to cause harm to his employee and I would expect there to be a process to address any issues raised by the tenant. While I am not certain, it is possible that Employee Health and Safety legislation may therefore apply to this form of tenancy when an employer provides accommodation to an employee within the site boundary. In these situations a planning condition may not appear necessary.]

- relevant to planning and to the development to be permitted, [Planning requires conditions to protect against unreasonable impacts to those not directly associated with the permitted activity. The appeal outcome at Moons Hill Quarry has established the acceptance for planning conditions when applied to a quarry owned property when it is occupied by tenants that are not employees of the applicant.

Information now confirms the tenant is an employee working in the weighbridge and as such this situation may justify exclusion from planning consideration in a similar way to that of an applicant's own property when it is effected by the application in question.

The consideration of noise impact at Callow Bungalow is relevant to the development as any consent for development will result in the continuation of noise at the dwelling. Conversely failure to gain consent may cause premature closure of the quarry and termination of both employment of the resident and termination of any tenancy agreement.]

- enforceable, [The specification of a noise limit intended to provide protection against any escalation of noise and sleep disturbance would rely on either a monitoring scheme or a request and permission from the tenant to undertake independent noise assessment. It would therefore appear possible to specify and identify a situation of acceptable noise impact and to require mitigation measures if the level was exceeded. The operator indicates the consequence of an attempt to mitigate noise and constrain development might however be the eviction of the tenant. As such it would seem independent monitoring of noise at Callow Bungalow might not be expected to be at the request of the tenant or even permitted within the quarry owned property.]
- precise, [The external noise levels that might be applied to protect tenants from unforeseen increased noise impacts might be established via measurement of typical operator impacts and by establishing that these impacts were subjectively acceptable to the tenant.]
- reasonable in all other respects, [The attempt to afford some safeguard to a tenant against unexpected increase in noise impact would seem reasonable particularly if, this was not to constrain the existing operations, if present impacts were described by the applicant as reflecting future operations and these impacts could be demonstrated to have been previously acceptable to the tenant.]

In my review of the issue of applying planning safeguards to Callow Bungalow I now consider there are several reasons why conditions may be unnecessary. These reasons would not exist if the tenant was not an employee of the applicant. The present circumstances of occupation therefore differ from the tenancy arrangements at Yellow Marsh Farm where an appeal ruling supported the use of planning conditions to protect night time amenity.

The applicant's proposal to adopt the noise conditions of the 2013 consent, would continue to carry forward the earlier advice based on MPG 11. The interpretation of this resulted in noise limits that remained at the upper boundary of successive mineral planning advice. Current planning noise limits would now be based on the following PPGN guidance:

- Daytime limits 07:00-19:00 to not exceed background level with a +10dB allowance;
- Evening limits 19:00-22:00 to not exceed background level with a +10dB allowance;
- Night-time limits 22:00-07:00 to not exceed 42dB(A).

The advice within PPGN, as quoted in 3.9 of the Noise Impact Assessment, would appear to permit greater daytime limits than those set within an allowance of 10dB on background level with justification. However there would appear to be less scope for this adjustment outside of the defined daytime period.

As indicated in my report there is no recent noise monitoring to establish the present noise environment and to determine a basis for conditions between

06:00 to 07:00 and 07:00-19:00. If this was done it is likely that the operator would need to comply, or at least justify why he could not comply, with lower noise limits at some locations to the north of the development. At present these lower noise limits would not apply to these properties with the proposed carry forward of the 2013 consent with its limits applied to 'any noise sensitive property'. While, based on the applicant's predictions, lower daytime limits would not be expected to constrict established operations from the 226m AOD level, they may require better justification from the operator to indicate that best noise mitigation measures have been taken if earlier extraction activities are to be permitted to exceed these limits, as may prove necessary. In my view the NPPF would indicate that more lenient daytime noise conditions than BL+10dB are possible for this period of extraction provided justification is given and it has been demonstrated that reasonable mitigation of intrusive noise has been ensured.

7.12 SCC ARCHAEOLOGY:

NO OBJECTION:

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

7.13 SOUTH WEST HERITAGE TRUST:

NO OBJECTION:

I have not visited the site but referred to our maps, HER records and the maps, Archaeology and Cultural Heritage reports and visibility Photomontage included in the application documents. On the basis of this information I am content that the proposed quarry extension would not have any negative impact on the built historic environment of this area.

7.14 SCC ECOLOGY:

NO OBJECTION subject to planning conditions:

Full comments listed in appendices to this report

7.15 NATIONAL PLANNING CASEWORK UNIT:

No comments received.

7.16 SCC AIR QUALITY ADVISOR:

NO OBJECTION subject to planning condition.

It is my opinion that the dust mitigation arrangements originally set out in condition 25 of permission IDO/S/10/B and continued under condition 9 of Permission 1/17/13/048, are sufficient.

Consultations (Non-Statutory Consultees):

7.17 COUNCIL FOR THE PROTECTION OF RURAL ENGLAND (CPRE):

OBJECTION:

CPRE Somerset wishes to make the following comments on this application:

Landscape Impact: The existing quarry and proposed extension lie entirely within the Mendip Hills AONB. AONBs are nationally important landscapes which have “the highest status of protection in relation to landscape and scenic beauty” according to NPPF section 115.

Extending Callow Hill Quarry as proposed would inevitably impact on the appearance of the designated landscape. We accept that the existing quarry is well hidden from the surrounding countryside but the proposed extension involves removal of the top of the hill and could well have a more significant visual impact, particularly when viewing the Sedgemoor ridge from afar – in fact the ridgeline is visible from many popular viewpoints well outside the AONB itself.

The proposed screening mounds and planting are designed to help to mitigate some of this visual impact but it is vital to ensure that such features are fully in context with the local topography and reflect the character and natural profile of the landscape. We would like to echo the concerns raised by the Mendip Hills AONB Unit about the visual impact on views from the south where screening would not be possible.

Impact on Local Amenity & Tranquillity: Somerset Minerals Policy DM8: MINERAL OPERATIONS AND THE PROTECTION OF LOCAL AMENITY states that “the applicant must demonstrate: ‘a) that the proposed development will not generate unacceptable adverse impacts on local amenity.” It is also important to note that the NPPF also states (section 144) that it is the duty of the planning authority to "ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;"

Picking up on a couple of these key points:

Noise: By its nature, quarrying is a noisy activity. Extending the area to be quarried will increase the potential for noise intrusion within the AONB and will mean that the AONB and its communities will be subject to this loss of tranquillity for an additional 25 years on top of that allowed under the existing consent.

Traffic: Callow Rock Quarry currently generates considerable traffic movements as it has no rail link, unlike some larger quarries in East Sedgemoor. We appreciate that the extension would not involve any increase of traffic movements or working hours. However, we are aware of concerns from residents of Cheddar that the existing road network is not suitable for the current level of quarry traffic.

Cheddar is currently the subject of several major planning applications for large housing developments. Inevitably, these will lead to a significant increase in traffic in an area which already has an inadequate roads infrastructure and which is poorly served by public transport. CPRE is therefore very concerned about the impact of allowing significant quarry traffic movements on these roads for a further 25 years without any mitigation measures or road improvement schemes. If this proposal is granted permission, we would urge Somerset County Council to consider placing restrictions on the movement of traffic and the size of the vehicles used.

Should permission for the extension be granted this should be conditional on any dormant permissions being relinquished and an undertaking that no applications for further extensions will be made.

CPRE Somerset feels that unless our concerns can be addressed adequately during the application process, this proposal should be refused.

7.18 THE MENDIP HILLS AONB TEAM:

COMMENTS:

Thank you for giving the Mendip Hills AONB Unit an opportunity to comment on the above planning application. The comments below are made in the context of national and local planning policies and also the objectives of the Mendip Hills AONB Management Plan 2014 to 2019.

The AONB Management Plan has an important role in securing commitment from public bodies, including action to comply with the Countryside and Rights of Way (CROW) Act Section 85 Duty of Regard. The CROW Act 2000 requires relevant local authorities to produce and adopt a plan which 'formulates policy for the management of the area and for carrying out their functions in relation to it.'

A key objective of both planning policies and the AONB Management Plan is to conserve and enhance the natural and scenic beauty of the designated landscape of the Mendip Hills. The National Planning Policy Framework (NPPF) recognises the importance of protected landscapes stating in Section 115 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.' We recognise that the NPPF also suggests that great weight should be given to minerals extraction whilst it also states that when granting planning permission for minerals development there should be no

unacceptable adverse impacts on the natural and historic environment (paragraph 144).

A key AONB Management Plan objective (L1) is to promote appropriate management to ensure that the distinctive landscape is maintained and enhanced. The Plan also recognises that quarrying is an important part of the Sedgemoor economy referring to Callow Rock as one of the two major quarries in the AONB (paragraph 3.6.11). Also, Management Plan Objective LM4 is to influence the use, restoration and after use of all quarries to minimise the impact on the landscape and to be compatible with the purpose of designation.

Whilst recognising the historical and cultural connection of quarrying to the AONB and the economic considerations involved, the AONB Unit has major concerns about its impacts on the special qualities of the designated landscape and the potential for these impacts to be increased as a result of the current proposals.

Extending Callow Hill quarry as proposed would inevitably impact on the appearance of the designated landscape within a number of important views within the AONB. We note that it is proposed to create screening mounds and planting in an attempt to mitigate visual impacts. However, it will be essential to ensure that such features are fully in context with the local topography and reflect the character of the landscape.

By its nature, quarrying is a noisy activity. As the AONB Management Plan points out, tranquillity is one of the features of the designated landscape (paragraph 1.3.2). Extending the area to be quarried will increase the potential for noise intrusion within the AONB. It is anticipated in the Supporting Statement accompanying the planning application, that at current output levels, the proposal to extend at Callow Rock would, if approved, maintain quarrying activities for an additional 25 years to that allowed under an existing consent. With this in mind, the AONB Unit has concerns over the impacts of quarrying, such as those mentioned above, being experienced over a considerably longer period of time.

With all quarrying sites, proposals for after use and restoration are key issues. In the event of consent being granted for an extension of Callow Rock quarry area, we feel that this will be a most important consideration in terms of achieving the objectives of the AONB Management Plan. In particular, an effective and strategic restoration plan will help achieve the conservation and enhancement of the AONB landscape and biodiversity and also provide future access and recreation opportunities.

7.19 THE SEDGEMOOR SOCIETY:

OBJECTION:

We hereby object to the above planning application for the following reasons:

1. The site is in the Sedgemoor AONB which is protected landscape. It is also adjacent to SSSI and European Protected SAC sites. The proposal will cause substantial damage to the Mendip Hills AONB when viewed from within the AONB or from without viewed from the Somerset Levels to the south and from vantage points to the north of the quarry. It will have a substantial detrimental impact of the public's enjoyment of the AONB.
2. The proposal will give rise to a substantial increase in quarry lorry movements. In this respect we note that Cheddar Parish Council estimate around 263 movements per day or 71,000 per year. Such traffic will undoubtedly cause environmental damage to the AONB, discourage tourism and substantially impact on the public's enjoyment of the AONB;
3. The flora and fauna is one of the assets of the AONB. The proposal will cause irreparable damage to flora and fauna at a time when world governments are purportedly seeking to reverse the impact that proposals such as this one are having on the environment and climate.

Further submission: Objection maintained (01.08.2017)

1. With reference to the submission of further information relating to an Environmental Statement accompanying the application to develop a northern lateral extension to Callow Rock Quarry, consolidation and regularisation of existing operations and associated ancillary development, our further comments are as follows:

The application proposes a northern lateral extension to the existing quarry at Callow Rock (extension area of 12 hectare) together with the consolidation and regularisation of existing operations and associated ancillary development and proposals to extend the extraction operation by 25 years. Additional information as set out above has been provided in respect of noise, landscape and visual impact, biodiversity and cumulative impacts.

2. As highlighted within our previous comments, the National Planning Policy Framework (NPPF) under paragraph 115 sets out that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.' We would include that as the development proposal is considered major development, paragraph 116 of the NPPF should also be considered. Paragraph 116 sets out that

'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

Further, the Countryside and Rights of Way (CROW) Act 2000 confirmed the significance of AONBs and Section 85 places a statutory duty on all relevant authorities to have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty. The primary purpose of the AONB designation is to conserve and enhance natural beauty. The Mendip Hills AONB Partnership produced the AONB Mendip Hills Management Plan 2014-19 as required by the Act on behalf of the joint local authorities and is a material planning consideration. The Mendip Hills AONB Management Plan under paragraph 1.4 sets out a Statement of Significance on the special qualities that create the Mendip Hills AONB sense of place and identity and these special qualities include views, tranquillity and distinctive limestone ridge. The development proposal will have a negative impact on these special qualities as the 12 ha extension proposes traversing the summit of the hill within the proposed extension area impacting not only the ridge (skyline), but also views from various locations. There will further be an impact in terms of noise not only from the proposed workings, but also in terms of vehicles and particularly HGVs proposed within the Mendip Hills AONB for an additional 25 years which will negatively impact on the sense of tranquillity of the protected landscape.

In reviewing the additional information submitted, I also reviewed the Landscape and Visual Impact Assessment (LVIA) and visited the proposed extension site and walked various rights of way and other routes in the vicinity. Within the LVIA under paragraph 3.51 it sets out that the 'open landscape within the study area renders it potentially highly sensitive to change' however sets out that due to the current quarry and significant landscape and visual impact, in the context the sensitivity of the local landscape in relation to proposed development is assessed as being medium. I would highlight that the proposed extension will have a significant effect on the landscape within the wider local landscape context. In terms of visual impact, as set out in paragraph 3.68 within the LVIA, the development proposal will have a significant visual impact, 'At this distance the effect would probably be marginal but still significant, particularly during the initial working stages at the upper levels'.

3. As highlighted in our previous comments and set out above, the Mendip Hills AONB Unit has major concerns as relates to the proposed development (a 12 ha extension that would extend over the summit of the hill and 25 year extension of the operation) and negative impact on the special qualities of the designated landscape, together with significant impact on the landscape character and visual amenity and potential cumulative effect of multiple impacts given the consented development at Shipham Quarry. Paragraph 144 of the NPPF sets out that

'When determining planning applications, local planning authorities should ... ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment ... and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality'.

Further, the Local Planning Authority will be required to consider whether the proposed development fully satisfies the requirements of paragraph 116 of the NPPF together with considering other material planning considerations including conserving landscape and scenic beauty (paragraph 115) and protecting the special qualities of the outstanding landscape of the Mendip Hills AONB.

We note under paragraph 8.17 of the Supporting Statement dated September 2016 to the planning application that the applicant sets out that 'Minerals can only be worked where they are found, and therefore the mineral resource at Callow cannot be developed elsewhere.' Within the submission documentation accompanying the application, it is unclear how the requirements of paragraph 116 have been considered and particularly in the context of the adopted Somerset Minerals Plan (February 2015).

7.20 SOMERSET WILDLIFE TRUST:

COMMENTS:

I will make reference in my comments below to points already made in the Somerset Wildlife Trust's initial response letter dated 08 November 2016; to items in the AI ES/EIA; and to items in Andrew's Ecology's EMP. The EMP covers Ecological Networks in section 6.2 (pp.18-21). For clarity we repeat some of our previous comments here from our initial response letter and email communications with SCC (dated 10 April 2017). The ES/EIA states:

2.35 The proposals contained within the EMP have been discussed with SWT which has confirmed that it is generally satisfied with the enhancement of the areas proposed and also satisfied that managing the soil bunds round the extension, as described in their consultation response, and gapping up the hedgerow along the western boundary of the existing quarry and extension area would maintain the connectivity of their ecological networks, both these elements being included within the EMP.

SWT do not agree with this statement. The soil bunds proposed in the EMP and the hedgerow works outlined, as discussed with AI and initially suggested in our 08 November 2016 planning response, are good measures towards mitigating the loss of the grassland and woodland ecological networks, but in our opinion do not offer sufficient mitigation or compensation for the loss of 11-12 ha of ecological network, nor do they result in 'net gains for biodiversity' as per Policy DM2 of the Somerset Minerals Plan (14.6). The grassland ecological network impacted by the loss of the three fields in the proposed extension area will result in the shrinkage of the grassland ecological network

present, even after the construction of the proposed bund, which will be narrow and take some time to establish. In our original response letter, item 2b states:

The grassland ecological network from which the core habitat and dispersal areas are to be lost through the quarry expansion is a relatively small network in relation to others in the Mendip Hills, and therefore the impact of the loss of habitat could be great. Strengthening this grassland ecological network could be achieved by working in partnership with neighbouring landowners to increase the size of the network. Further, as stated in e-mail correspondence from SWT to SCC, the loss of the core habitat and dispersal area of grassland ecological network in the fields of the extension site will not be mitigated for at all by the bat mitigation. Whilst the bat mitigation aims to introduce cattle grazing to two existing fields in Andrew's Ecology's Area 3 and carry out scrub control – both of which are potentially beneficial to the area of core grassland habitat already present in Area 3 – this is a separate grassland ecological network to the one north of Callow Rock which is to be affected by the extension site. There will be no net gain to core habitat by this mitigation and there are no physical links between the two networks west and east of the road.

With regard to the woodland ecological network, the loss of the three fields to the north of the consented quarry will still result in the loss of 11 ha of woodland dispersal area creating a very 'hard' edge to the core woodland habitat of Callow Drove LWS and the core habitat lying to the east of the easternmost field of the extension site; both of which will decrease the resilience of that area of the network through increased edge effects / potential disturbance. Our comments on this in our initial letter were as follows:

Improving connectivity of the woodland ecological network on the western side of the extension site and the consented quarry, linking the core woodland habitat of the ecological networks south and north of the quarry would hopefully promote dispersal of dormouse (and other woodland species), reducing population fragmentation. This might be achieved by the provision of native species-rich hedge along the western boundary of the proposed extension and existing quarry, but would be even better achieved by working on a landscape-scale co-operatively with neighbouring landowners to provide greater gains.

Somerset Wildlife Trust has had much success in the facilitation of such partnerships for landscape-scale biodiversity gain and can offer assistance with this. Al and Andrew's Ecology are to be commended for attempting to address concerns we have over the loss of the size, connectivity and resilience of Somerset's Ecological Networks within the Al landholding but SWT feel that in order to fully mitigate the loss of habitat as a result of the proposed extension what is required is a broad view, taking in the wider landscape present and potentially achievable. SWT envisage a co-operative landscape scale conservation project with neighbouring landowners to enhance the biodiversity of the grasslands beyond but in the vicinity of the

quarry, strengthening the resilience in particular of the grassland ecological network in a substantial rather than piecemeal way, and working to greatly enhance the connectivity of the woodland network for its associated species (particularly bats and dormouse).

7.21 SOMERSET SCIENTIFIC SERVICES – AIR QUALITY:

NO OBJECTION subject to the inclusion of a planning condition.

It is my opinion that the dust mitigation arrangements originally set out in condition 25 of permission IDO/S/10/B and continued under condition 9 of permission 1/17/13/048 are sufficient.

7.22 BRISTOL WATER:

NO OBJECTION.

We would confirm that we have no objection to the development.

7.23 PUBLIC COMMENT:

19 letters of support have been received from the public, citing:

- Suitable Development;
- Economic Benefit;
- Provision of Minerals;
- No Traffic Impact (vehicle numbers to remain as at present);
- No Visual Impact;
- No Ecological Impact.

5 letters of objection have been received from the public, citing:

- Noise / Dust / Light Pollution;
- Ecological Impact;
- Impact on the AONB;
- Impact on Public Rights of Way;
- Blast Vibration;
- Increase in Traffic;
- Impact on Non-Designated Heritage Assets

8. COMMENTS OF THE SERVICE MANAGER – PLANNING CONTROL, ENFORCEMENT AND COMPLIANCE:

Matters for Consideration:

In this case the following matters are material considerations (comment as in the Summary):

- The Principle of Development;
- The Need for the mineral/extension;
- Impact on Highways;
- Impact upon amenity (residential and users of the Area of Outstanding Natural Beauty (AONB)) – noise / dust / light pollution;
- Visual & Landscape Character Impact;
- Ecology (including possible effects on SSSI and SAC);
- Water Management (subterranean / surface water)
- Archaeology / Heritage Assets
- Loss of Agricultural Land
- Impact on of Public Rights of Way (PRoW)
- Other Matters (impacts from blasting / impact on property values from the development)
- Planning (consideration of the benefits and detrimental aspects of the development) / Section 106 Agreement

8.1 Principle of Development / Need

8.1.1 The planning application seeks to secure permission for the extension of the life of the quarry in relation to permitted extraction.

8.1.2 The proposal identifies circa 800,000 tonnes per annum of mineral will be extracted each year from the quarry (maintaining current output levels).

8.1.3 The mineral mined at the site is limestone (for the crushed rock market) and this mineral is of local / regional importance.

8.1.4 To establish the acceptability of the principle of development it needs to be identified as being in accordance with the Development Plan, and if not then, on balance of other material considerations, if the proposal would be acceptable (including whether negatives can be outweighed through the imposition of planning conditions).

8.1.5 In relation to 'Need', there is a need, as set out in the development plan (specifically the Somerset Minerals Plan), for SCC to maintain the minerals land bank and the development proposed would also secure the long term continuation of supply from this quarry thereby avoiding the need for inefficient mothballing / sterilisation of reserves or the re-opening / intensification of less environmentally sustainable quarries.

8.1.6 Further to the above, policies SD1 and SMP3 of the Somerset Minerals Plan (SMP) are important in establishing need / support for the lateral extension of the quarry. They state that:

SD1

When considering mineral development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)

SMP3

Planning permission for the extraction of crushed rock will be granted subject to the application demonstrating that:

- a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and*
- b) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities*

8.1.7 Subject to the accordence of the development with the three 'golden threads' of sustainability prescribed by the NPPF, and that the scheme can deliver clear local (and regional / national) economic and other benefits, in a form that can be suitably mitigated from adverse impacts then the scheme can be considered acceptable, subject to further demonstration of accordence with paragraphs 115 and 116 of the NPPF (see below).

The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy

8.1.8 In relation to the first point the 'The Benefits of Quarrying and Related Activities to the Somerset Economy' report, published in 2014, states that quarry activity has an annual turnover of £209.2 million, with a Gross Value Added of between £56 million and £74 million per annum.

8.1.9 Furthermore, the aforementioned report states that 1045 people are employed directly in the industry as Full Time Equivalent (FTE) employees, with an additional 280 FTE jobs in indirect employment.

8.1.10 The 'State of the Somerset Economy 2016: Technical Evidence Base' (TEB) stated that in Sedgemoor District the GVA per FTE, in Mining and Quarrying was £140,535 (2011 prices / £). Of all the 18 identified sectors that are measured in the economy, only Real estate activities resulted in a higher GVA per FTE.

8.1.11 Knowing that the TEB identified 203,460 people in FTE in Somerset, and that the average GVA per FTE was £47,117 (£9.5865 billion / 203460 FTE), the mining and quarrying sector, with a percentage of 0.51% of the total FTE roles, generates a GVA of £140,535 per FTE, it is evident that the sector is very productive and makes a significant contribution per person, compared to the County average. Based on the information contained in the TEB, the quarry would continue to make a considerable contribution to the 'Heart of the South West Local Enterprise Partnership (LEP)' (which includes Devon, Plymouth, Torbay and Somerset), where Somerset delivers circa 43% of Mining and Quarrying activity across the LEP area.

The supporting planning statement also states that:

8.64 It is evident that should permission not be granted at this juncture, the existing quarry would be required to continue to operate in accordance with its extant permission, including restoration requirements. It is likely that it would not be economically or practically viable to return to the site in the future, and

the mineral resource identified in the proposed extension area, and existing quarry, would effectively become sterilised.

8.65 It is understood that much of Somerset's current mineral landbank is provided by the rail linked quarries located in the East Mendips area. These quarries supply a distinct and separate market from Callow, exporting minerals via rail into other regions within the UK, most notably the South East, and are therefore of national importance. The location of Callow in the West Mendips largely serves markets in the West Mendips, West Somerset and South Bristol, and also helps avoid excessive cumulative impacts arising from quarrying within the East Mendips.

8.66 Given that the resource at this site is both available and economically viable to extract, and owing to its properties, the winning and working of the mineral at Callow produces no waste making the operations extremely efficient and highly sustainable, alongside the fact that the ES does not identify any significant negative impacts as a result of the proposed extension, it is submitted that extraction of further mineral at this site is not only appropriate, but desirable. The outcome of limiting extraction to the current permitted extent would have the effect of sterilising an important mineral resource.

(source – ES Supporting Planning Statement paragraph 8.64 – 8.66).

It should be noted that the neither planning application or supporting Environmental Statement provide definitive figures in terms of the financial benefits that the development could deliver to the local economy. This has resulted in the need to view the development in the wider countywide aspect, which would not provide the tangible evidence of the schemes benefit to the local economy (as required by paragraph 116 of the NPPF).

In this case it is considered the scheme is needed, in light of its delivery to the local economy as well the fact that it would alleviate pressures for the creation of new quarries and / or extend other quarries where cumulative impacts could be significant, and that the levels of waste are stated as being zero from the operations proposed. In addition, to work and restore the quarry under existing permissions has also been stated as an action that would sterilise a known and currently economically viable reserve.

In terms of the National Consideration, the NPPF does not provide a definition. To consider this element, the literal definition is applied, being as follows:

'National' – relating to or characteristic of a nation; common to a whole nation

'Consideration' – careful thought, typically over a period of time

In essence it is considered the meaning of 'National Consideration' is as follows:

The thought given (to a development) and how that could affect the character of the Nation over a period of time.

In this case, the character of the Nation is one of diversity in economic activity, landscape, people and cultures, driven by industry, innovation and a shared history (both human and natural). What the quarry would continue to deliver is industry and economic opportunity both locally and, in part, nationally and would not be to the long term detriment of the character of the area (see Landscape Consultant comments). This is further supported by the Somerset Minerals Plan (2015), where it states in Objective A (Vision and Plan Objectives) that the objective is:

To ensure that Somerset is able to provide an adequate and steady supply of minerals, contributing to national, regional and local requirements without compromising the natural and historic environment, supporting in particular:

- *the county's nationally important role in crushed rock supply*

Knowing the above it is considered the development could be in the National Consideration as it means this quarry would continue to make a significant yearly contribution to the output of crushed rock from Somerset to meet national requirements (the quarry would deliver circa 8% of the total crushed rock output from Somerset per year, and without such continued delivery wider markets and national projects (including the construction of Hinkley Power Station 'C') could be delayed to the detriment of the National Interest.

8.2. Highways

8.2.1 The relevant policies relating to highways are Policy DM9 of the Somerset Minerals Local Plan and Policy TM1 of the Sedgemoor District Local Plan

8.2.2 Policy DM9 reads:

Mineral Transportation

Planning permission for mineral development will be granted subject to the application demonstrating that the road network serving the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements. Particular regard should be given to:

- a) *highway safety;*
- b) *alignment;*
- c) *proximity to buildings;*
- d) *air quality;*
- e) *the integrity of the road network including construction and any impacts on capacity;*
- f) *disruption to local communities.*

Proposals for mineral development that will generate significant transport movements must be supported by a Transport Assessment and Travel Plan.

The Transport Assessment will need to demonstrate that appropriate consideration has been given to the alternatives to road transport, including rail, as a primary freight transport option. Alternatives to road transport should be pursued if they are demonstrated to be practicable and beneficial.

8.2.3 Policy TM1 reads:

Safe and Sustainable Transport will be achieved by the following means:

- a) development will not be permitted which would prejudice the construction of cycle and pedestrian routes and bus lanes defined on the Proposals Map, unless suitable alternative routes are provided by the developer;*
- b) development will not be permitted which would reduce the convenience and safety of existing rights-of-way, bridle paths and cycle paths unless suitable alternative routes are provided by the developer;*
- c) development will only be permitted if the design makes adequate and safe provision for access by foot, cycle, public transport and vehicles so long as it's appropriate to the scale of the development and in accordance with National and County Council design standards and Somerset County Council's Highway hierarchy;*
- d) the Developer shall provide the transport infrastructure required by the development to an agreed phased programme.*

Where off-site works are required, these shall be appropriate to the scale and nature of the development and shall be funded by the developer; and

- e) development will not be permitted for proposals which would have a significant impact on the highway network without the prior submission of a Traffic Impact Assessment*

8.2.4 Appendix 1 of the formal Environmental Statement refers to, and considers the effects of the development on Traffic and Highways (Transport Assessment).

8.2.5 SCC Highways (statutory consultee) have raised no objection to the proposed development, subject to the inclusion of planning conditions as detailed in their comments.

8.2.6 In relation to highways impacts from the development it is accepted that, based on the same yearly rates of mineral extraction and processing at the site (circa 800,000 tonnes per annum), vehicle movements to and from the site would be comparable to those at present and not increase the number of HGV or other movements on the local network.

8.2.7 It is noted that the Transport Assessment (TA) does suggest that in light of local concerns regarding the 'Magic Roundabout' at the southern end of Shipham Road, CIL Contributions / S.106 Agreement monies could be allocated to improvements to the roundabout.

8.2.8 Concerns have been cited by the Sedgemoor Society who has suggested that the 263 movements per day / 71,000 per year would be excessive. In this instance it has been evidenced in the TA that the aforementioned figures are as per those

experienced at present. Knowing this, and that the traffic accident statistics at the 'magic roundabout' to do not bear correlation with the vehicle movements, together with the fact that no evidence has been put forward to explain how vehicle movements have impacted adversely on tourism activity leads to the conclusion that the extension and continuing operation would be no worse than at present and as such would not be deemed 'severe' in its impact on the local highways.

8.2.9 The request for improvements of the 'magic roundabout' as a result of this particular proposal is not supported by SCC Highways and to seek such funding through a s.106 Agreement would be considered an unreasonable imposition. Furthermore, the Construction Infrastructure Levy (CIL) cannot apply in this instance as the development as proposed is a non-publicly accessible development (being a scheme for the extension of mineral extraction activities).

8.2.10 The proposed development is not considered one that would result in there being a 'severe' impact on the Highway Network, and as such the scheme would accord with the requirements of paragraph 32 of the NPPF (which states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*) as well as policies of the SMP (principally policy DM9 of the SMP that states that *'planning permission for mineral development will be granted subject to the application demonstrating that the road network serving the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements'*).

8.2.11 The reason for this position is that the Statutory Consultee on highway safety, being SCC Highways, have not objected to the proposal of highway safety grounds so implying that the use of the highway for the movement of minerals from the site would be suitably safe and would have no greater impact (or unacceptable adverse impact) on highway safety to that currently experienced.

8.2.12 Knowing that the proposed development is not considered one that would result in there being a 'severe' impact on the Highway Network the scheme would accord with the requirements of paragraph 32 of the NPPF, Policy DM9 of the Somerset Minerals Local Plan as the development would avoid causing traffic or environmental problems within the wider transport network and would not generate any direct requirement for transport improvements.

8.3. Amenity (residential and users) – Noise / Dust / Light

8.3.1 The relevant policies relating to amenity (the issues detailed above) are Policy DM8 of the Somerset Minerals Plan and Policy D16 of the Sedgemoor Core Strategy (SCS).

8.3.2 Policy DM8 reads:

Mineral operations and the protection of local amenity

Planning permission will be granted for mineral development subject to the application demonstrating:

a) that the proposed development will not generate unacceptable adverse impacts on local amenity;
b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:

- i) Vibration;*
- ii) Dust and odour;*
- iii) Noise; and*
- iv) Lighting*

c) how the applicant intends to engage with local communities during the operational life of the site.

8.3.3 Policy CNE11 reads:

POLICY D16

Development proposals that would result in the loss of land of recreational and/or amenity value or unacceptably impact upon the residential amenity of occupants of nearby dwellings and any potential future occupants will not be supported. Particular consideration will be given to the extent that the proposal could result in unacceptable noise and disturbance, overshadowing, overlooking and/or visual dominance.

8.3.4 A number of the objections received have stated the impact on amenity from noise, dust and light associated with the development proposed.

8.3.5 With regards noise, it is considered that subject to the attachment of appropriate and reasonable planning conditions, being that the works are to be carried out in accordance with plans / hours as submitted / decibel levels agreed; the proposed development would be acceptable on the grounds of noise and its impact on neighbouring amenity. As identified previously in this report, levels of extraction are to be the same or very comparable to current rates of mineral extraction so noise experienced would also be comparable (with the working hours and machinery being the same). In addition, as the extension would result in activities being slightly closer to previously less exposed noise sensitive receptors, planning conditions have sought to ensure decibel levels are as per those considered acceptable and detailed in the 'Night Noise Guidelines for Europe' (World Health Organisation – 2009). The planning conditions, and the decibel levels identified should ensure the lowest observed adverse effect level (LOAEL) for night noise are respected.

Such controls on noise should ensure current levels of amenity of surrounding users and residents. This is an approach that would accord with the findings of the statutory consultee on such matters who has not raised an objection on the grounds of noise / impact on amenity.

8.3.6 With regards to dust and the management of dust, the Statutory Consultee (Somerset Scientific Services) has not raised an objection, subject to the inclusion of a planning condition. In this instance, levels of dust from extraction activities would be comparable to those currently experienced (with comparable levels, methods and rates of mineral extraction), and with the appropriate scheme in place to manage dust arising from extraction, it is considered the scheme would be acceptable in this respect.

8.3.7 With regards to odours, the odour from the mineral itself is benign. Odours from the site and its activities would be limited and would not be bio or organic based (related) so resulting in the release of no offensive odours from operations. This is the same as at present.

8.3.8 In relation to light pollution, the development proposed would be extracted between the hours of 06.00 hours to 21.00 hours (Monday to Friday); 07.00 hours to 17.00 hours (Saturdays) and 07.00 hours to 13.00 hours (Sundays and Bank Holidays). During hours of darkness, within the aforementioned times, and to reflect existing planning conditions (principally condition 8(ii) of IDO/S/10/B), it is recommended that permitted development rights for the installation of additional lights where they exceed the height of existing onsite plant or normal stock fencing, are be removed. This should ensure light spill from the site to the surrounding area is maintained at acceptable levels.

8.3.9 In light of the above it is not considered reasonable to recommend refusal on the grounds of impact on amenity as the matters can be controlled by way of planning conditions and as such would accord with Policy DM8 of the Somerset Minerals Plan and Policy D16 of the Sedgemoor District Local Plan as the development would seek to offset perceived effects on the residents nearest the Northern Extension area with restricted working hours and decibel level limits, so limiting effects from on-site activities to acceptable levels.

In addition, the proposed development would also be carried out in accordance with submitted schemes as identified as appropriate to suppress dust and minimise noise emissions to acceptable levels, with no external artificial light to be used.

8.4. Visual and Landscape Character Impact on the AONB (this is a good title for the bullets in Summary and the start of your section)

8.4.1 The site is within a nationally important designated landscape and due regard must be given to potential impacts upon the AONB when determining this application. The relevant policies relating to visual/landscape impact are Policy DM1 of the Somerset Minerals Plan and Development Plan Policy D14 of the Sedgemoor Core Strategy.

8.4.2 Policy DM1 reads:

Landscape and visual amenity

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on landscape and visual amenity; and*
- b) measures will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity.*

All mineral development proposals must be informed by and refer to the latest, relevant character assessments, nationally and locally.

National Parks and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Proposals for mineral development within or adjacent to an Area of Outstanding Natural Beauty will need to take full account of the relevant AONB Management Plan; and proposals within or adjacent to Exmoor National Park will need to take full account of the Exmoor National Park Local Plan.

8.4.3 Policy D14 reads:

Natural Environment

Landscape

Development proposals within the Mendip Hills AONB or the Quantock Hills AONB will only be supported where they enhance or conserve the natural beauty, or the exceptional character or quality of the landscape in these areas.

Elsewhere in the District proposals should ensure that they enhance the landscape quality wherever possible or that there is no significant adverse impact on local landscape character, scenic quality and distinctive landscape features as identified in the Sedgemoor Landscape Assessment and Countryside Design Summary. In particular through:

- Siting and landscaping that takes account of visibility from publicly accessible vantage points;*
- The form, bulk and design of buildings having proper regard to their context in respect of both the immediate setting and the defining characteristics of the wider local area.*

Where there are reasonable grounds to suggest that a development proposal may result in a significant adverse impact on the landscape, the Council will require planning applications to be supported by Landscape and Visual Impact Assessments.

In exceptional circumstances, where development is necessary and could result in significant impact on the landscape, appropriate mitigation and compensation measures should be provided.

Biodiversity

All development proposals should contribute to enhancing and maintaining biodiversity, taking into account climate change and the need for habitats and species to adapt to it. Particular regard should be had to:

- *The targets set out in the Somerset and Sedgemoor Biodiversity Action Plans;*
- *The presence of, or potential impact on, European Protected Species;*
- *Potential impact on internationally and nationally designated sites of nature conservation importance; and*
- *Enhancement opportunities within the Strategic Nature Areas identified in the South West Nature Map.*

Ecological Impact Assessments will be required where it is reasonably likely that species and/or habitats of nature conservation significance may be impacted on by the proposed development.

In addition, a Construction Environmental Management Plan will be required where there is potential for significant environmental effects during the construction stage.

Development will be supported where:

- *As well as ensuring the protection of internationally and nationally designated sites, it protects the nature conservation interest of local sites designated for their nature conservation value;*
- *It retains or enhances features such as wetlands, watercourses, coastal features, hedgerows, trees, copses and ponds which provide wildlife corridors, links or stepping stones from one habitat to another; and*
- *It makes positive provision for wildlife through appropriate urban and rural habitat creation/restoration (having particular regard to BAP habitats and Strategic Nature Areas), including tree and hedgerow planting, and subsequent management.*

In exceptional circumstances, where development is necessary and could result in significant indirect or direct adverse impacts to nature conservation appropriate mitigation and compensation measures should be provided.

8.4.4 It is accepted that development by its very nature often results in change in one form or another. What needs to be considered is whether the scale of change is commensurate to the location, and if that is acceptable in planning terms.

8.4.5 In this case a number of objections raised have cited the impact the development would have on the Mendip Hills Area of Outstanding Natural Beauty (the AONB). At a national level paragraph 115 of the NPPF states that:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important

considerations in all these areas, and should be given great weight in National Parks and the Broads.

8.4.6 In addition to the above, the three tests as detailed in paragraph 116 of the NPPF need to be considered. They read as follows:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

All three tests need to be met if a development is going to be acceptable in planning terms. In addition whilst a scheme could demonstrate accordance with the three elements it does not immediately indicate that permission should be granted; however, from a landscape perspective, it is an important part of the planning consideration of the proposal. There is reference to 'exceptional circumstance' relating to development in an AONB, but this is not defined by the NPPF. Without a clear direction the exceptional nature of development is a matter for planning judgement.

In addition to the above the scheme needs to demonstrate that it is in the public interest. As with 'exceptional circumstances' it is noted that the NPPF provides not definition as to what qualifies as a development that could be in the public interest, and therefore a planning judgement will be applied to assess this.

The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way

8.4.7 For consideration in the first instance is that the site is active, and there are known reserves still available at the quarry. The site has existing infrastructure in place and has been a part of the landscape for a period of time.

8.4.8 The scope for creating a comparable (and new) quarry to meet local need and access the available mineral either inside or outside the AONB, would be potentially constrained by land ownership, other environmental designations / implications, and potentially greater concentrations of people near such a site, and the presence of the resource and its viability, and geological constraints. The cost associated with the provision of a comparable site cannot be reasonably quantified as such a question introduces a number of unknown variables (including availability of a transferable workforce; infrastructure costs; highways impacts; and other designation mitigation (this is not an exhaustive list)).

8.4.9 In this case the costing of a hypothetical alternative site, when the current site has known reserves that need to be safeguarded and exploited for future generations, is deemed to be one with an unknown cost (socially, economically and environmentally).

8.4.10 In terms of scope, whilst it could be technically possible to deliver a comparable site, whether the addition of a new quarry in this area would be acceptable depends on the location of an alternative site of similar output capacity as each case must be considered on its own merits and the particular characteristics of that location.

8.4.11 Were the need for mineral demand from alternative locations to result due to the refusal of this planning application there could be output demands from other, similar quarries. This in turn could have environmental impacts with possible diversions of labour (assuming the existing quarry couldn't meet demand and there being an increase at other individual quarries to accommodate the demand), and the existing quarry being 'mothballed' which could in turn effect the economic viability of the quarry to re-open in the future.

Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

8.4.12 In this case consideration of the Mendip Hills AONB Management Plan is required (as prescribed by Policy DM1 of the SMP), as well as the relevant paragraphs in the NPPF.

8.4.13 The aforementioned management plan acknowledges quarrying is an important part of the Mendip economy, with specific reference given to Callow Rock quarry (section 3.6.11 of the Mendip Hills AONB Management Plan (2013)).

8.4.14 In terms of effects on the environment, landscape and recreational opportunities, subject to delivery of the mitigation as recommended (by planning condition and / or Section 106 Agreement as stipulated in comments received from Statutory Consultees) it is considered the development would be acceptable as described elsewhere in this report, with temporary footpath diversions and enhanced final, new, footpaths; protected grassland ecological networks, improved biodiversity / habitats (on final restoration), and screening of the development from potentially sensitive receptors (notably to the north west of the site).

How the scheme is in the public interest

8.4.15 As with 'National Consideration', the NPPF does not define 'Public Interest'.

To consider this element, the literal definition is applied, being as follows:

Public – *of or concerning the people as a whole*

Interest – *a stake or involvement in an undertaking*

In essence it is considered the meaning of 'Public Interest' is as follows:

The stake of (or benefit to) the people.

In this case the continuation of direct and indirect employment, and associated benefits, together with the mitigation to the environment and the continued delivery of publicly accessible rights of way are such that the scheme would, on balance, be in the public interest.

In light of the above, and as evidenced in this recommendation, it is considered that the proposed development would meet the criteria of paragraph 116 of the NPPF as it could be reasonably argued that the fact that the quarry is already in existence and does (and would continue to) contribute to the local economy (and be in the public interest) and proposed mitigation would offset the harm and identify the circumstances as being suitably exceptional (although it is acknowledged there is no legal benchmark for what qualifies as exceptional circumstances).

8.4.20 Further to (and in support of) the above, the submitted information with the planning application (being the Landscape and Visual Impact Assessment Covering Statement) states that:

Effects on Landscape Character

6.25 During operational stage the magnitude of effect on this landscape character area at the local or parish scale would be low. In the context of existing and consented development this is a landscape of medium sensitivity and operations would result in an overall effect of moderate to slight significance in the short to medium term. The nature of effect would be moderately adverse. Following restoration, the magnitude of the effect in the long term would likely remain low or very low given the presence of similar consented features in the locality, resulting in an effect of moderate to slight significance in the long term. The long term nature of the effect would remain moderately adverse.

6.26 There would be no significant effects on local landscape features caused by extending Callow Quarry. Existing attractive landscape features would be retained intact and views towards them would remain unaffected.

6.27 There would occur very low levels of effect associated with the cultural heritage and tranquillity. No significant effects would occur in relation to other aspects of landscape value.

Effects on Visual Amenity

6.28 The predicted highest levels of adverse effect would occur in close proximity to the extension site and relate to the mitigation measures themselves rather than quarry development. The effects would be highly localised and likely to become broadly neutral in nature in the long term.

6.29 Potential adverse effects on visual amenity within the wider landscape would be reduced to slight to imperceptible or negligible levels assuming adoption of the mitigating measures.

Cumulative Effects

6.30 *Potential cumulative effects relate to the proposed extension at Callow Quarry and the proposed re-commencement of working consented reserves at Shipham Quarry. Consented development would affect an additional area to the north east - on Black Down, coincident with an area affected by existing development at Callow Quarry. Whilst there would occur a highly localised cumulative effect caused by consented development, there would be no significant cumulative effects caused by proposed development.*

8.4.21 Comments received from consultees / members of the public have suggested the scale of development would have an unacceptable impact on the AONB.

8.4.22 To consider this impact matter, SCC appointed an independent Landscape Consultant to consider the scheme and submitted LVIA.

8.4.23 The appointed Consultant did not raise an objection to the proposal. The summary of findings from the Landscape Consultant contained in their formal report stated that:

“5.1 The LVIA and supporting information to accompany the planning application follows the appropriate guidance of relevance to landscape and visual assessment and forms a thorough and comprehensive assessment of the existing situation and the potential effects of the proposed development, including on the nationally important AONB.

5.2 Although it is acknowledged that the proposed development will affect the landscape and views from a few close proximity receptors, these relatively limited effects will be acceptable, particularly with the implementation and long-term and continued management of the proposed landscape mitigation measures.

5.3 The key issue in relation to the proposed development is the potential influence on the nationally recognised AONB. It is acknowledged, that due to the proposed development’s location, that the extension to the existing quarry will influence the setting of the AONB. However, these effects will be relatively limited provided the mitigation measures prior to excavation, during working and following completion are followed. In addition, the location of the proposed development adjacent to an existing working quarry, within a landscape currently and historically influenced by quarrying activity, will not significantly increase the effects on the wider landscape character, selected views or the setting of the AONB.”

The Landscape Consultant also stated:

“6.1 It is recommended that if the proposed development is granted planning permission, the following conditions should be applied:

- *No development shall take place until details of the proposed landscape mitigation measures be provided, including a programme of works;*
- *Details of all soft landscape works should be provided including a programme for implementation and long-term management through the life of the quarrying activities and following the completion of quarrying activities;*

- *Details on subsoil and topsoil stripping should be provided including location and method of storage before construction of the mitigation bunds/screening landform to the north, east and west of the extension area;*
- *Details on the minimum dimensions of the mitigation bunds/screening landform should be provided including details of any soft landscape works, such as planting and seeding;*
- *Details on the 'look-out' point/viewing platform and interpretation boards should be provided;*
- *Details on the area of hardstanding to provide a local car parking facility and connection to the footpath network should be provided."*

8.4.24 In addition to the identified policies, the NPPF states that, in paragraph 144 in relation to minerals, that:

"When determining planning applications, local planning authorities should:

- *give great weight to the benefits of the mineral extraction"*

8.4.25 The NPPF also states in paragraph 115 in relation to AONB's, that:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

8.4.26 From the comments received from qualified professionals in relation to the LVIA and potential impact on the AONB, as well as the proposed mitigations included within the application, the visual impact from the development on the AONB can be considered acceptable (subject to full accordance with proposed planning conditions relating to landscaping and maintenance). It is not considered that the long term visual impact would be so negative as to warrant a recommendation of refusal on visual impacts grounds, and as such amount to "conserving" the existing character of the area. As such, subject to full extraction and restoration in accordance with the plans as submitted (and requirements stipulated in planning conditions), it is not considered reasonable to recommend refusal on the grounds of visual impact or landscape character impact.

8.4.27 Cumulative impact of the development of Callow Rock Quarry with Shipham Hill Quarry also needs consideration.

8.4.28 In this case, the applicant has stated that the extension of Callow Rock Quarry would be worked out before the recommencement of extraction operations at Shipham Hill Quarry. The extension area of Callow Rock Quarry would take circa 38 years (being additional life of the quarry). This would take operations / extraction at Callow Rock Quarry through to 2056.

8.4.29 The ES states that mineral extraction at Shipham Hill Quarry expires in 2042 (further evidenced in Review of Mineral Permission (ROMP) SCC Reference: 1/17/98/012).

8.4.30 Knowing the main concern relating to cumulative impact is when Callow Rock Quarry and Shipham Hill Quarry are seen in context together, the fact that extraction operations from Shipham Hill Quarry will cease for the duration of extraction at Callow Rock Quarry, and that permission for Shipham Hill Quarry will be needed for future extraction from 2042 onwards (before the 2056 end date of operations at Callow Rock Quarry), ensures a degree of control is retained by the Mineral Planning Authority as to future visual, cumulative impacts.

8.4.31 Therefore on balance, with the proposed mitigation and consideration of the NPPF's requirements and local policies, it is considered the delivery of minerals from an extended Callow Rock Quarry can be acceptable from a visual perspective subject to planning conditions that ensure it accords with Policies D14 of the Sedgemoor Core Strategy and DM1 of the Somerset Minerals Plan, as well as paragraphs 115 and 116 of the NPPF. The development would not generate unacceptable adverse visual impacts or loss of character, and it is considered the restoration and phased working / proposed mitigation would suitably assimilate the extended quarry into the wider area in the medium to long term.

8.5. Ecology

8.5.1 The relevant Development Plan policies relating to ecology are Policies DM2 and DM7 of the Somerset Minerals Plan and Policy D14 of the Sedgemoor Core Strategy.

8.5.2 Policies DM2 and DM7 read:

DM2 Biodiversity and Geodiversity

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on biodiversity and geodiversity; and*
- b) measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity.*

Such measures shall ensure a net gain in biodiversity where possible. The Habitat Evaluation Procedure will be used in calculating the value of a site to species affected by the proposal where the conservation value of the habitat is considered to be replaceable and mitigation techniques have been proven.

The weight of protection given to a site will be that afforded by its statutory or non-statutory designation, its sensitivity and function in maintaining the biodiversity of the county, and its role in maintaining the connectivity and resilience of the county's ecological networks.

A 'test of likely significance' will be required for mineral development proposed which directly affect European and internationally designated sites and in areas that ecologically support the integrity of these sites.

DM7 Restoration and Aftercare

Planning permission for mineral development will be granted subject to the applicant submitting restoration and after-use proposals, which:

- a) clearly state how the criteria in the reclamation checklist (Table 7) have been met; and*
- b) include satisfactory information on the financial budget for restoration and after-use, including how provision for this work will be made during the operational life of the site.*

Restoration proposals will be subject to a five year period of aftercare. Where proposals require a longer period of management, the proposal will only be permitted if it includes details of how this will be achieved.

8.5.3 Policy D14 reads:

Biodiversity

All development proposals should contribute to enhancing and maintaining biodiversity, taking into account climate change and the need for habitats and species to adapt to it. Particular regard should be had to:

- The targets set out in the Somerset and Sedgemoor Biodiversity Action Plans;*
- The presence of, or potential impact on, European Protected Species;*
- Potential impact on internationally and nationally designated sites of nature conservation importance; and*
- Enhancement opportunities within the Strategic Nature Areas identified in the South West Nature Map.*

Ecological Impact Assessments will be required where it is reasonably likely that species and/or habitats of nature conservation significance may be impacted on by the proposed development.

In addition, a Construction Environmental Management Plan will be required where there is potential for significant environmental effects during the construction stage. Development will be supported where:

- As well as ensuring the protection of internationally and nationally designated sites, it protects the nature conservation interest of local sites designated for their nature conservation value;*
- It retains or enhances features such as wetlands, watercourses, coastal features, hedgerows, trees, copses and ponds which provide wildlife corridors, links or stepping stones from one habitat to another; and*
- It makes positive provision for wildlife through appropriate urban and rural habitat creation/restoration (having particular regard to BAP habitats and*

Strategic Nature Areas), including tree and hedgerow planting, and subsequent management.

In exceptional circumstances, where development is necessary and could result in significant indirect or direct adverse impacts to nature conservation appropriate mitigation and compensation measures should be provided.

8.5.4 Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010).

8.5.5 In this instance the site doesn't have a statutory designation constraint relating to ecology. It is noted that the site is immediately adjacent to the Callow Drove Fields Local Wildlife Site (LWS).

8.5.6 In this instance, concerns as to the loss of land that would contribute to the Grassland Ecological Network (GEN) has been flagged by the SCC Ecologist and other non-statutory consultees. Following discussions with the applicant / agent, the provision of the fields to the east and west of Drove Farm, and their retention in High Level Stewardship, are deemed sufficient to mitigate for the loss of the fields that could form part of the GEN and that these fields should be detailed in a Section 106 Agreement to ensure the longevity and delivery of this part of the GEN.

8.5.7 Knowing that there would be no complete loss at any one time during extraction operations of identified habitat, and that the final restoration of the scheme should result in biodiversity enhancement (comparable to that currently in situ) it is considered that, subject to planning conditions, the scheme would accord with Policies DM2 and DM7 of the Somerset Minerals Plan and Policy D14 of the Sedgemoor Core Strategy. The reasoning for this position is that SCC Ecology have suggested that, with the provision of a Landscape and Ecology Management Plan (which would include appropriate restoration and aftercare), impacts on protected species / the GEN would be managed to acceptable levels, and compensation for impacts can be secured.

8.6. Water Management (ground water / surface water)

8.6.1 The relevant Development Plan policies relating to water management are Policy DM4 of the Somerset Minerals Plan, Policies S3 and D16 of the Sedgemoor Core Strategy and Policy CNE16 of the Sedgemoor District Local Plan.

8.6.2 Policy DM4 reads:

Water Resources and Flood Risk

Planning permission for mineral development will be granted subject to the application demonstrating that the proposed development will not have an unacceptable adverse impact on:

a) the future use of the water resource, including:

- i. the integrity and function of the land drainage and water level management systems;
 - ii. the quality of any ground or surface water resource, where the risk of pollution and/or adverse impact on the resource would be unacceptable;
- b) the environmental value and visual amenity of the water resource; and
c) drainage and flood risk to people, property or business

With regards to water flows, both subterranean and surface water, the Statutory Consultees have not objected to the proposals on the impacts on effects on water bodies or water flows (the Lead Flood Authority raising no objection, and the Environment Agency not raising an objection, subject to the inclusion of planning conditions).

8.6.3 Policies S3, D16 and CNE16 read:

POLICY S3

Sustainable Development Principles

Development proposals will be supported where they contribute to meeting all of the relevant following objectives:

- *Mitigating the causes of climate change and adapting to those impacts that are unavoidable;*
- *Prioritise where appropriate the reuse of previously developed land and buildings within existing settlements and then at the most sustainable locations on the edge of the identified settlements in accordance with the Spatial Strategy (Policy S1: Spatial Strategy for Sedgemoor);*
- *Promote greater self-containment of settlements by contributing to communities that are supported by adequate services, cultural, sporting and leisure activities, a diverse range of employment opportunities, physical and social infrastructure and transport options whilst taking into account flood risk;*
- *Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by alternative modes of travel including maximising opportunities or walking, cycling and the use of public transport;*
- *Provide opportunities where relevant for housing to meet the needs of local people;*
- *The creation of locally distinctive, well designed, healthy, safe, and accessible neighbourhoods that empower and support inclusive and vibrant communities*
- *A vibrant, diverse and responsive local economy that supports investment and regeneration of our towns and rural settlements*
- *Raising the aspirations, skills and achievements of young people and adults through accessibility education, training, local employment and housing*
- *Minimise the impact on natural resources, avoid pollution and incorporate the principles of sustainable construction to contribute to energy efficiency, renewable energy, waste reduction/recycling, the use of sustainably sourced materials, sustainable drainage, reduced water use, water quality and soil protection;*

- *Maximise opportunities for local food production and farming by avoiding best and most versatile agricultural land where possible, taking into account other sustainability considerations; and*
- *Protect and enhance the quality of the natural, built and historic environment improving their understanding, appreciation and sustainable use.*

POLICY D16

Pollution Impact of Development

Development proposals that are likely to result in levels of air, noise, light or water pollution (including groundwater), vibration or soil contamination that would be harmful to other land uses, human health, tranquillity, or the built and natural environment will not be supported.

Where there are reasonable grounds to suggest that a development proposal may result in a significant adverse environmental impact, the Council will require planning applications to be supported by assessments relating to:

- *Air pollution;*
- *Noise pollution and/or vibration;*
- *Light pollution;*
- *Carbon Emissions;*
- *Contaminated Land/soil;*
- *Waste;*
- *Water pollution;*
- *Odour; and*
- *Any other sources.*

POLICY CNE16

Development will not be permitted within a defined Groundwater Source Protection Zone or on a major or minor aquifer unless safeguards are provided against the possible contamination of groundwater and/or interference with groundwater flows and levels.

8.6.4 Although no objections have been received that cite concerns relating to ground or surface water flows it is still necessary to give this element of the scheme due consideration.

8.6.5 With regards to water flows the Statutory Consultees have not objected to the proposals on the impacts on effects on water bodies or water flows – surface or subterranean (the Lead Flood Authority raising no objection, and the Environment Agency not raising an objection, subject to the inclusion of planning conditions). With no demonstrable impacts on water flows or qualities the assertion that there would be benign effects is concurred with in this instance.

8.6.6 In this instance it is considered the proposed development accords with Policies S3 and D16 of the Sedgemoor Core Strategy, CNE16 of the Sedgemoor District Local Plan and Policy DM4 of the Somerset Minerals Local Plan and as such,

subject to the development being carried out in accordance with the submitted details and planning conditions, it is not considered the scheme would be to the detriment of surface or ground water flows and would not impact on water quality to or from the site.

8.7. Archaeology

8.7.1 The relevant Development Plan policies relating to archaeology are Policy DM3 of the Somerset Minerals Plan and Policy D17 of the Sedgemoor Core Strategy.

8.7.2 Policy DM3 reads:

Historic Environment

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on the historic environment or where an adverse impact or impacts have been identified, these can be adequately mitigated; and*
- b) for proposals that impact on the integrity, character or setting of a heritage asset, impacts have been adequately considered by desk-based assessment and field evaluation and with reference to the Somerset Historic Environment Record and the records of designated heritage assets held by English Heritage; and*
- c) adequate provision will be made for the preservation in-situ or excavation of the asset as appropriate, in discussion with the county archaeologist, and the recording of relevant information to advance understanding of the asset.*

The weight of protection afforded to a heritage asset will reflect the significance of the asset including, but not limited to, its statutory designation(s).

Policy D17 reads:

Historic Environment

All development proposals should contribute to enhancing and maintaining the historic environment, ensuring a continued role in distinguishing the District's unique sense of identity and place. In all cases proposals should take into account the need for buildings and landscape (including archaeological remains, battlefields and historic parks and gardens) to adapt to climate change and the positive contribution heritage makes to regeneration. Where development is proposed within the vicinity of historical assets (including archaeological sites) the Council will support schemes that promote management, interpretation and improved public access.

Development will be supported where it proposes:

- Appropriate design, including contemporary solutions which positively enhance the character and quality of conservation areas;*
- The development of local skills and crafts relevant to the historic environment;*

- *A viable use for listed buildings, consistent with their historic character, with a clear presumption against their demolition;*
- *An emphasis on the importance of the setting of listed buildings and other historic assets, and;*
- *Appropriate energy efficiency measures where the principles of minimum intervention and reversibility are adopted.*

8.7.3 No objections have been received on heritage (archaeology) grounds to the proposed development. It is noted that the County Archaeologist and SW Heritage stated that as far as they were aware there are limited or no archaeological implications to this proposal and that on the basis of this information they were content that the proposed quarry extension would not have any negative impact on the built historic environment of this area.

8.7.4 Knowing the above it is considered the scheme accords with the requirements of Policy DM3 of the Somerset Minerals Local Plan and Policy D17 of the Sedgemoor Core Strategy as the development would not result in loss of, or harm to unidentified heritage assets on or near the site. Knowing the distance of separation from listed buildings and identified heritage assets, these views are concurred with.

8.8 Agricultural Land Classification (ALC) / Loss of Agricultural Land:

8.8.1 The land identified as the Northern Extension is Grade 3 Agricultural Land.

8.8.2 In this instance the guidance detailed in paragraph 112 of the NPPF needs to be considered.

8.8.3 Paragraph 112 reads:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

8.8.4 In this instance, with the delivery of minerals being given 'great weight' in deliberations (as prescribed in paragraph 144 of the NPPF) it is considered that the loss of Grade 3 Agricultural Land is considered acceptable as the delivery of minerals (and their associated benefits) would carry more weight in planning deliberations and balance than the retention of lower grade agricultural land.

8.8.5 Therefore it is considered the proposed development is acceptable in terms of the benefit gained from the delivery of minerals over the loss of this medium grade quality agricultural land, and as such the planning application can be supported from this perspective as it would accord with paragraphs 112 and 143 of the NPPF (in that poorer quality agricultural land would be used, and that the use of the land would be returned to biodiversity / recreational use once extraction is complete).

8.8.6 It is accepted the development proposed would by its nature result in the loss of Grade 3 agricultural land, for the period of time needed to complete the extraction as identified.

8.8.7 It is also noted that the land identified as being lost is in the ownership of the applicant and as such the rights of use of that land by those wishing to farm the fields is also within the control of the applicant.

8.8.8 In this instance policy S3 of the Sedgemoor Core Strategy needs to be considered. It reads:

POLICY S3

Sustainable Development Principles

Development proposals will be supported where they contribute to meeting all of the relevant following objectives:

- *Maximise opportunities for local food production and farming by avoiding best and most versatile agricultural land where possible, taking into account other sustainability considerations*

8.8.9 Although the loss of the fields could result in a degree of disruption to business operations, the land would in general be returned to biodiversity / recreational use, which with the weight to be applied by way of paragraph 144 of the NPPF for the extraction of minerals and the benefits this brings, the environmental end use and mineral delivered is considered sufficient to justify the loss of the Grade 3 Agricultural Land in this instance, and accord with policy S3.

8.8.10 As the land is in the ownership of the applicant, the land identified would be rented and any financial loss over the time period of extraction is considered in this instance would be a civil matter between the land owner and the tenant farmer.

8.9. Public Rights of Way (PRoW)

8.9.1 The site proposed Northern Extension would affect the existing PRoW (footpath). In this instance the SCC Public Rights of Way Service has not objected to the proposed development on potential impacts to the PRoW or the users' amenity of the PRoW.

8.9.2 The relevant policy in this instance is Policies S3, D9 and D10 of the Sedgemoor Core Strategy and Policy DM6 of the Somerset Minerals Plan, which read:

POLICY S3

Sustainable Development Principles

Development proposals will be supported where they contribute to meeting all of the relevant following objectives:

Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by alternative modes of travel including maximising opportunities for walking, cycling and the use of public transport.

POLICY D9

Sustainable Transport and Movement

Travel management schemes and development proposals that reduce congestion, encourage an improved and integrated transport network and allow for a wide choice of modes of transport as a means of access to jobs, homes, leisure and recreation, services and facilities will be encouraged and supported.

Proposals will:

- Enhance road and personal safety;*
- Enhance the facilities for pedestrians, cyclists, those with reduced mobility and other users*

POLICY D10

Managing the Transport Impacts of Development

Development proposals that will have a significant transport impact should:

- Ensure provision is made for inclusive, safe and convenient access for pedestrians, people with disabilities, cyclists and users of public transport that addresses the needs of all;*
- Enhance and develop rights-of-way as a means of managing transport impacts of development and should not reduce the convenience and safety of existing rights-of-ways, bridle paths and cycle paths, unless suitable alternative routes are provided*

POLICY DM6

Public Rights of Way

Proposals for mineral development that have the potential to impact on the rights of way network in Somerset will need to demonstrate how the affected part of the network or any alternative route will be managed and maintained. Where proposals are likely to have an unacceptable adverse impact on the rights of way network, the applicant must provide a satisfactory, authorised replacement route (either temporary or permanent).

Authorised diversion routes must meet the relevant criteria, be fit for purpose and easily accessible, without causing significant disturbance to wildlife. If temporary, the original right of way shall be reinstated as soon as is practicable. If permanent diversion is required this shall seek to improve on and enhance the original public right of way.

8.9.3 The response has identified the obligation on the land owner to ensure the affected PRow is diverted in accordance with the requirements of the Town and Country Planning Act 1990 (as amended).

8.9.4 In this instance, alternative permanent routes and enhancements to the PRow are proposed (formalising the change is to be secured via an Order subject to section 257 of the Town and Country Planning Act 1990 (as amended)). An application for the diversion of the PRow has already been received.

8.9.5 Knowing the above, and that the diversion of the identified PRow would fall under a separate regulatory process it is considered acceptable to support the proposal in relation to PRow from a planning perspective, as impacts on amenity would be temporary (for the period of development), the alternative route would be acceptable and would ensure subsequent amenity is enhanced (with delivery of the alternative route, with associated planting / landscaping). For these reasons it is considered the scheme would accord with Policy DM6 of the Somerset Minerals Plan and Policies S3, D9 and D10 of the Sedgemoor Core Strategy as the proposal would seek to minimise any negative effect from the loss of the PRow with its (the PRow) diversion.

As identified in the comments received from SCC PRow, an application for the Definitive Map Modification Order has been received by SCC and that that is a separate regulatory process that needs to be completed by the applicant.

This has been clarified by SCC PRow who have requested the following comments be noted:

'No development shall take place until application 820M to upgrade public footpath AX 13/7 to bridleway has been determined and any order confirmed beyond legal challenge to the satisfaction of the Surveying Authority, and any subsequent order to divert public rights has been made and confirmed beyond legal challenge to the satisfaction of the Local Planning Authority and Highway Authority.'

8.10 Blast Vibration

8.10.1 Although no objections have been received directly relating to blasting, Policy DM8 of the Somerset Minerals Plan is relevant and needs to be considered. It reads:

Planning permission will be granted for mineral development subject to the application demonstrating:

- (a) that the proposed development will not generate unacceptable adverse impacts on local amenity;*
- (b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:*
 - (i) Vibration;*
 - (ii) Dust and odour;*
 - (iii) Noise; and*

(iv) *Lighting*

(c) *how the applicant intends to engage with local communities during the operational life of the site.*

8.10.2 In relation to adopted policy, the scheme does accord with supporting text. Table 5 of the Somerset Minerals Plan states that for higher output quarries (those producing in excess of 250,000 tonnes per annum), a buffer zone of 400 metres from source would be expected. It is noted that such a buffer width is not detailed in adopted policy.

8.10.3 In this instance, in relation to blast operations, it is noted that 'Shot Firers' (those responsible for the design, construction and firing of explosive shots) and their required work practices are detailed in the Quarry Regulations 1999 and are regulated by the Health and Safety Executive who have the power to close down quarry operations where and when they deem it appropriate (it is noted that there are powers available to the Health and Safety Executive under Section 20 of the Health and Safety at Work Act 1974 to serve Prohibition Notices which can stop unsafe practices). To propose conditions that would overlap the existing powers available to other regulatory bodies would be contrary to the tests of reasonableness as detailed in Planning Practice Guidance notes (NPPG).

8.10.4 In this case, and to ensure compliance with the NPPG, appropriate conditions can be attached addressing blasting and vibration as well as being in accordance with British Standard (BS) 6472-2:2008 (Guide to evaluation of human exposure to vibration of buildings); BS 7385-2:1993 (Evaluation and measurement of vibration in buildings – Guide to damage levels from ground borne vibration); BS 7385-1:1990 (Evaluation and measurement for vibration in buildings – Guide for measurements of vibrations and evaluation of their effects on buildings) and would ensure compliance with Policy DM8 of the Somerset Minerals Plan.

9. Planning Balance

9.1 In relation to the delivery of minerals, the NPPF states in paragraph 144 that:

... Local Planning Authorities should ... give great weight to the benefits of the mineral extraction, including to the economy.

9.2 The site is in the Mendip Hills AONB (a statutory designation constraint directly applicable). However the water management / land stability / ecology / PRoW / Highways / Visual Impact / loss of agricultural land can be acceptable subject to suitable conditions and a legal agreement, as the benefits of mineral extraction together with the proposed mitigation to offset visual impacts and habitat loss, and the retention of existing staff levels (and the associated economic and social benefits that entails), as well as a final biodiversity enhancement, are considered suitable and ensure that the scheme would be acceptable on balance and should be supported.

9.3 In summary, the continued quarrying at this site in this instance, could be construed as the site having or being in an 'exceptional circumstance', sufficient to

justify support and accordance with paragraphs 115 and 116 of the NPPF for the following reasons:

- The proposed development would use existing on site infrastructure, without the need for new potentially intrusive infrastructure and impacts elsewhere potentially in the AONB, because of the locational constraints of where the mineral resource is naturally found;
- The delayed recommencement of activity at the adjacent Shipham Hill Quarry, secured by the S.106 legal agreement;
- Negligible effects on recreation activities or ecologically sensitive areas and a benign visual/landscape character impact on the AONB taking into account proposed mitigation;
- A viable and tangible contribution to the expected crushed rock output from Somerset;
- Continued input into the micro and wider macro economy.

9.4 Consequently, as required by the NPPF, consideration and justification of the proposal's accordance with paragraph 116 has been demonstrated, such that the scheme is considered acceptable in terms of effect on the AONB.

10. Recommendation:

It is recommended that planning permission be GRANTED subject to:

- a) the imposition of the conditions in section 10 of this report; and,**
- b) the signing of a Section 106 Legal Agreement to include the following:**

- **The securing and delivery of compensatory land for the Grassland Ecological Network (GEN) to provide alternative GEN land for that which would be lost as a result of this development;**
- **To ensure the adjacent reserves identified as / written agreement that no extraction of mineral reserves are to take place at Shipham Hill Quarry to the east of Callow Rock Quarry for the duration of extraction at Callow Rock Quarry),**

And that authority to undertake any minor non-material editing, which may be necessary to the wording of those planning conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

1. Duration of Development

The permission shall be limited to a period expiring on 21 February 2067, with all site restoration to be completed within the subsequent 12 months, and all restoration and landscaping to be the subject of a 5 year aftercare programme.

Reason: For the avoidance of doubt as to the permitted duration of the development and in order to ensure the timely completion and restoration of the site.

2. Notification of implementation of permission

The Mineral Planning Authority shall be notified of the date of implementation of this permission in writing within 14 days of such implementation having occurred.

Reason: To enable the Mineral Planning Authority to ensure the effective monitoring of the development.

3. Completion in accordance with the approved details

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications detailed below.

Plans Schedule:

PLAN Site Location 2443-4-1-DR-0001-S5-P1
PLAN Proposed Restoration 2443-4-1-DR-0004-S5-P3
PLAN Proposed Footpath Diversion 2443-4-4-5-DR-0002-S5-P1
PLAN Phase 4 2443-4-1-DR-0013-S5-P1
PLAN Phase 3 2443-4-1-DR-0012-S5-P1
PLAN Phase 2 2443-4-1-DR-0011-S5-P1
PLAN Phase 1 2443-4-1-DR-0010-S5-P1
PLAN Fence Detail 2443-4-4-5-DR-0003-S5-P1
PLAN Initial Works 2443-4-1-DR-0009-S5-P1
PLAN Existing Conditions 2443-4-1-DR-0006-S5-P2
PLAN Exhibition Photomontage 2443-4-1-2-VS-0002-S3
PLAN Exhibition Phasing and Restoration 2443-4-1-DR-0014-S5-P1
PLAN Exhibition Location Plan 2443-4-1-DR-0016-S5-P1
PLAN Exhibition Existing Conditions 2443-4-1-DR-0015-S5-P1
PLAN Exhibition Cross Sections 2443-4-1-DR-0017-S5-P1
ES PLAN 2443-4-4-5-DR-0003-S5-P1_Fence Detail
ES PLAN 2443-4-4-5-DR-0002-S5-P1_Proposed Footpath Diversion
ES PLAN 2443-4-1-DR-0013-S5-P1_Phase 4
ES PLAN 2443-4-1-DR-0012-S5-P1_Phase 3
ES PLAN 2443-4-1-DR-0011-S5-P1_Phase 2
ES PLAN 2443-4-1-DR-0010-S5-P1_Phase 1
ES PLAN 2443-4-1-DR-0009-S5-P1_Initial Works
ES PLAN 2443-4-1-DR-0006-S5-P2_Existing Conditions
ES PLAN 2443-4-1-DR-0004-S5-P3_Proposed Restoration
ES PLAN 2443-4-1-DR-0001-S5-P1-Site Location

Document Schedule:

ES EclA CALLOW ROCK NOV 2016
ES EclA CALLOW ROCK APPENDICES Horseshoe bats NOV 2016
ES EclA INVERTEBRATE SURVEY NOV 2016
ES EclA INVERTEBRATE SURVEY APPENDICES 2016
ES EclA BAT SURVEY OCT 2016
ES APPX6 AIR QUALITY Assessment
ES APPX2 LVIA as full document including all plans and appendices

ES APPX1 TRANSPT Main Text Figures AECOM TA Part 1 of 2
ES APPX1 TRANSPT Appendices B to E AECOM TA Part 2 of 2
ES APPX 9 Agriculture and Soils (Callow Quarry)
ES APPX 8 Callow Archaeology
ES APPX 8 Arch Appendix3
ES APPX 8 Arch Appendix2
ES APPX 8 Arch Appendix 1
ES APPX 7 Hydrology, Hydrogeology and FRA v2
ES APPX 5 Callow Rock Blast Vibration Impact Assessment v2
ES APPX 4 Callow Rock Noise Impact Assessment v3
ENVIRONMENTAL STATEMENT main document
ADVANCE ENVIRONMENT 'Report on the Potential Impact of Dust from the Proposed Northern Extension to Mineral Extraction Operations at Aggregate Industries UK Limited Callow Rock Quarry Cheddar Somerset' (Dust Control)

Reason: To enable the Mineral Planning Authority to deal promptly with any development not in accordance with the approved plans.

4. General Development Order

Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order).

- (i) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced without the prior written consent of the Mineral Planning Authority;
- (ii) no additional lights except below the height of the plant or fences, except normal stock fencing, shall be installed or erected unless details of them have been submitted to, and approved in writing by, the Mineral Planning Authority;
- (iii) no non-quarry waste materials shall be deposited except on the quarry floor or in the locations shown on the approved plans without the prior written consent of the Mineral Planning Authority.

Reason: To protect the overall amenities of the residents and users of the local area.

5. Output

From the date of the commencement of the development hereby permitted, the output from the development hereby permitted, when combined with the output from the rest of the quarry site, shall not exceed 6.5 million tonnes over any period of 60 calendar months after the first day of the month following the notified date of implementation (as required by planning condition).

Reason: In the interests of the amenity of the neighbourhood in relation to traffic noise.

6. Records of output

The operators shall maintain records of the monthly sales from the entirety of the quarry site and shall make them available to the MPA on a confidential basis within 10 working days of written request. The sales records shall be kept by the operators for at least 60 months.

Reason: To allow the Mineral Planning Authority to adequately monitor condition 5 (output).

7. Access to Geological Interest

The operator shall, with reasonable prior notice, allow any bona fide geologist or geological group access to the application area at all reasonable times subject to safe access being available and shall allow them to observe and record items of interests and finds.

Reason: In the interests of geological science and education.

8. Hours of Operation

Processing operations (including primary crushing, primary screening) and face working operations (including drilling or the loading of dump trucks at the face) shall, in the absence of emergency requirements, be restricted:-

- a) Within all areas except the northern extension area to the following times:
 - 0600 and 2100 hours Mondays to Fridays;
 - 0600 and 1700 hours Saturdays;
 - 0700 and 1300 hours Sundays and Public Holidays.
- b) Within the northern extension area, subject to clause c), to the following times:
 - 0700 and 1900 hours Mondays to Fridays;
 - 0700 and 1300 hours Saturdays;
 - No activities on Sundays and Public Holidays without the prior written approval of the Mineral Planning Authority.
- c) Operations within identified phases of development in the northern extension area may justify the increase of working hours up to those defined in clause a) subject to:
 - i) an agreed scheme of noise monitoring demonstrating accordance with permitted noise limits; and,
 - ii) the Mineral Planning Authority issue of written approval for extended hours of working during a particular phase of development.

All instances of emergency requirement to work outside of the above normal working hours in order to maintain safe quarry working shall be notified in writing to the Mineral Planning Authority provided within five working days of the incident occurring.

Reason: To protect the amenity of local residents in relation to noise and vibration.

9. Noise limits

The levels of noise arising at any noise sensitive property, excluding Winterhead Hill Farm and Callow Bungalow, from permitted site operations shall not exceed the Leq(1 hour) free field levels of :-

- 45dB(A) between the hours of 0600 to 0700
- 55dB(A) between the hours of 0700 to 1900
- 45dB(A) between the hours of 1900 to 2200
- 42dB(A) between the hours of 2200 to 0600

The levels of noise arising at Winterhead Hill Farm from permitted site operations shall not exceed the Leq(1 hour) free field levels of :-

- 42dB(A) between the hours of 0600 to 0700
- 50dB(A) between the hours of 0700 to 1900
- 45dB(A) between the hours of 1900 to 2200
- 42dB(A) between the hours of 2200 to 0600

The noise limits applied to 'a noise sensitive property' will not apply to Callow Bungalow whilst it remains in the ownership of the operator of the site.

Reason: To protect the amenity of local residents in relation to noise.

10. Noise reduction

All plant, machinery and vehicles used within the application area shall be fitted with effective silencers in accordance with, or superior to, the manufacturer's specification and shall be operated in a manner to minimise unnecessary noise and maintained to retain all associated noise mitigation features for the duration of the development hereby permitted.

Reason: To protect the amenity of local residents in relation to noise.

11. Audible Warnings

There shall be no use of tonal reverse warning alarms within the northern extension area. All mobile plant, machinery and vehicles required to use audible reverse warning alarms within the northern extension area shall be adapted to use broadband alarms prior to the commencement of development.

Reason: To protect the amenity of local residents in relation to noise.

12. Hours of blasting

Except in exceptional circumstances where blasting is required to maintain safe quarry working as required by the Health and Safety Executive (which shall be notified to the Mineral Planning Authority as soon as the operator is aware of such a

requirement) no blasting shall be carried out at the site except between the following times:

- 0900 to 1700 on Mondays to Fridays;
- 0900 to 1300 hours on Saturdays.

There shall be no blasting operations on Sundays or Public Holidays.

Reason: To protect the amenity of local residents in relation to noise and vibration.

13. Limitation of Blast Impact

Prior to the agreement of a 'Noise and Vibration Mitigation Scheme' the operator shall ensure that no blast shall take place within the development area unless either:

- appropriate vibration monitoring is undertaken so as to demonstrate that the levels of peak particle velocity did not exceed 9mm/s at the foundation of any dwelling not in the ownership of the operator; or
- blast design can demonstrate, to 95% confidence, that resulting vibration would not be expected to exceed a peak particle velocity of 9mm/s at the foundation of any dwelling not in the ownership of the operator

Reason: To protect the amenity of local residents in relation to noise and vibration.

14. Noise and Vibration Mitigation Scheme

Within 6 months of this permission the operator shall submit a 'Noise and Vibration Mitigation Scheme' for the approval of the Mineral Planning Authority. The agreed scheme shall be adopted by the operator and shall include provisions for:

- the monitoring and control of noise and vibration to demonstrate and ensure compliance with planning limits;
- the procedures for the limitation of blast impact;
- the procedures for the limitation of blast air-overpressure effects;
- the procedures for the recording and investigation of complaints;
- the actions to be taken in the event that it is recorded or observed that planning limits are exceeded.

The scheme shall be reviewed annually and updated if necessary to ensure its relevance to the operations and development of the site and to reflect best practice prevailing at the time.

Any updated scheme shall be submitted to the Mineral Planning Authority for its further approval in writing.

Reason: To protect the amenity of local residents in relation to vibration.

15. Restoration details

Within 6 months of the commencement of the development hereby permitted the following details shall be submitted to the Mineral Planning Authority for approval in writing, for those areas within the red line area of plan 2443-4-1 DR-0004-S5-P3 dated AUG 2016 shown as being soil covered or planted at restoration, such details being conducive to restoration to a nature conservation after use:

- (i) the preparation of the land surface before soiling;
- (ii) the depth and method of spreading and preparation of any soils;
- (iii) the grass seed mix and location and species of trees, hedges, bushes and shrubs;
- (iv) measures for ensuring adequate drainage of placed soils;
- (v) final levels of reclaimed land.

The restoration details, once approved, shall be implemented and completed within two years of the end date of mineral extraction or cessation of extraction from the site, whichever is the sooner.

Reason: To ensure that the site is restored to a condition capable of a beneficial after use in the interests of biodiversity and visual amenity.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

16. Reclamation aftercare and after use

The site shall be reclaimed progressively in accordance with the restoration plan 2443-4-1 DR-0004-S5-P3 dated AUG 2016, in relation to the area outlined in red on that plan only. Progressive restoration shall be interpreted to mean the following:

- (i) Where the winning and working of mineral on any bench or the quarry floor is completed and that bench or floor is no longer required for vehicular access to other parts of the quarry, for the siting of plant or for other ancillary quarrying operations:
- (ii) the placement of soils on that bench or floor in accordance with the restoration details approved under condition 18 above as soon as the soils to be placed are in a dry and friable condition suitable for handling; and
- (iii) the seeding and planting on that bench or floor in accordance with the restoration details approved under condition 18 above in the first available planting season.

Reason: To ensure that each worked out area of the site is restored to a condition capable of a beneficial after-use in the interests of biodiversity and visual amenity at the earliest possible opportunity.

17. Aftercare

Within 6 months of the commencement of the development hereby permitted details of the aftercare of the area to be restored shall be submitted to the Mineral Planning Authority for approval in writing. Such details shall include:

- (i) the aftercare steps to be carried out for a period of 5 years to ensure that the soiled and planted areas are suitable for a nature conservation amenity after-use by the completion of the aftercare period;
- (ii) the timing and duration of the aftercare steps listed pursuant to part (i) above, such timing to provide 5 years of aftercare.

Following approval and the completion of restoration of any area, the aftercare steps shall be implemented, in accordance with the approved timing and duration details.

Reason: To ensure that each worked out area of the site is restored to a condition capable of a beneficial after-use in the interests of biodiversity and visual amenity at the earliest possible opportunity.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

18. Removal of Plant and Buildings

Within 12 months of the cessation of working in accordance with the approved working plan listed in condition 3, all plant and buildings shall be removed from the site and the ground area they occupied restored in accordance with the restoration plan 2443-4-1 DR-0004-S5-P3 dated AUG 2016, in relation to the area outlined in red on that plan only.

Reason: In the interests of biodiversity and the visual amenity of the area.

19. Restoration Following Early Cessation

Within 6 months of a cessation of the winning and working of minerals where the full depth of working illustrated on the approved working plan listed in condition 2 has not taken place, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country

Planning Act 1990, a revised restoration plan shall be submitted to the Mineral Planning Authority, for approval in writing.

The restoration plan shall:

- (a) illustrate all plant, buildings and associated footings as having been removed from the site and the ground levels at the sites of removed buildings or plant as being smoothly graded into surrounding ground levels;
- (b) areas of soil placement and planting suitable for a nature conservation amenity after use within the site;
- (c) distinguish the areas within the application area which have not already been restored in accordance with the approved restoration plan, from those that have been, at the date of submission of the scheme.

For all areas which the revised restoration plan indicates as to be soiled/planted which have not yet been restored in accordance with an approved restoration plan the following details shall be provided to accompany the revised restoration plan, for approval in writing, such details being conducive to restoration to nature conservation after use:

- (i) the preparation of the land surface before soiling;
- (ii) the depth and method of spreading and preparation of soils;
- (iii) the grass seed mix and location and species of trees, hedges, bushes and shrubs;
- (iv) measures for ensuring adequate drainage of placed soils;
- (v) final levels of reclaimed land.

The approved revised restoration scheme shall be fully implemented within 12 months of approval.

Reason: To ensure that in the event of early cessation of working the land is restored to a beneficial after use.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

20. Aftercare Following Early Cessation

Within 6 months of a cessation of the winning and working of minerals prior to the achievement of the full depth of working illustrated on the approved working plan listed in condition 2, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and

Country Planning Act 1990, a revised aftercare scheme shall be submitted to the Mineral Planning Authority for approval in writing.

The scheme shall include a plan indicating those areas which have not already completed 5 years of aftercare and in relation to those areas shall include:

- (i) aftercare steps to be carried out for a period of 5 years to ensure that the soil covered and planted areas will be suitable for a nature conservation amenity use by the completion of the aftercare period;
- (ii) the timing and duration of the steps listed pursuant to part i) above, such timing to provide 5 years of aftercare.

Following approval, the aftercare steps shall be carried out immediately following the completion of the approved restoration works, in accordance with the approved aftercare timing and duration details.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

Reason: To ensure that in the event of early cessation of working the land is restored to a beneficial after use.

21. Water Quality Monitoring

Prior to the commence of the development hereby permitted, a 'scheme' for water resource and water quality monitoring, analysis, interpretation shall be submitted to, and approved in writing by, the Mineral Planning Authority. Such scheme as approved shall be applied and accorded with for the duration of operations as detailed in this planning permission.

Reason: Protection of controlled waters.

22. Water Flow Maintenance Scheme

Prior to the commencement of development hereby permitted a 'scheme' that will provide for maintenance of spring flows, stream flows and their water quality shall first be submitted to, and approved in writing by, the Mineral Planning Authority. Such scheme as approved shall be applied and accorded with for the duration of operations as detailed in this planning permission.

Reason: Protection of controlled waters.

23. Scheme for the Maintenance of Private and Licensed Water Interests

Prior to the commencement of the development hereby permitted, a 'scheme' that will provide for Maintenance of Private & Licensed Water Interests and their water quality shall be submitted to, and approved in writing by, the Mineral Planning Authority. Such scheme as approved shall be applied and accorded with for the duration of operations as detailed in this planning permission.

Reason: Protection of controlled waters.

24. Scheme for Hydrological and Hydrogeological Monitoring

Prior to the commencement of the development hereby permitted, a scheme for the provision of regular Hydrological and Hydrogeological monitoring data reporting, analysis and interpretative reviews to the Environment Agency and Mineral Planning Authority shall be agreed in writing by the Mineral Planning Authority. The scheme shall thereafter be submitted in accordance with the approved details to the Environment Agency and the Mineral Planning Authority.

Reason: Protection of controlled waters.

25. Maintenance of Water Resource Monitoring Facilities

For the purposes of facilitating and verifying the discharge of their obligations, the site operator shall maintain in good working order any water resources monitoring facilities (i.e. stream flow measuring stations) to the reasonable satisfaction of the Environment Agency. Where any such monitoring facility becomes unserviceable details of appropriate replacement facilities shall be submitted to and agreed in writing by the Mineral Planning Authority in consultation with the Environment Agency. Replacement monitoring facilities shall thereafter be put into operation and maintained as agreed.

Reason: Protection of controlled waters.

26. Horseshoe Bats

All ecological measures and/or works for horseshoe bats shall be carried out in accordance with the details contained in Section 4 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. These measures will be carried out prior to the commencement of ground works for the quarry extension and be confirmed in writing to the Minerals Planning Authority.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

27. Landscape and Ecological Mitigation Plan (LEMP)

Before the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Mineral Planning Authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) On-going monitoring for horseshoe bats and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (or bodies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of the horseshoe bat features of European sites.

28. Bat Roosts

In respect of potential bat roosts of cliff faces all ecological measures and/or works for horseshoe bats shall be carried out by a licensed bat ecologist in accordance with the details contained in Section 6.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. Where surveys are required a letter detailing the findings and any actions required shall be submitted to the Minerals Planning Authority by the licensed bat ecologist within 14 days of first identification of such surveys.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

29. Time of Work – Ecology

No ground works, vegetative clearance or removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the groundworks, where vegetation is cleared or work to buildings or structures carried out and provided written confirmation that no birds will be harmed

and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Mineral Planning Authority within 14 days of such measures as taken.

Reason: In the interests of nesting wild birds

30. Badger Protection

Prior to commencement of each working phase, and any of the following operations: soil stripping, tree-felling or the grubbing up / flailing of hedgerows or scrub, fence installation and the creation or taking down of any screening bund or soil storage mound, a walkover survey will be carried out by a competent ecologist to check for badger setts. A letter will be submitted to the Mineral Planning Authority within 14 days of such surveys reporting the findings and actions required.

Reason: In the interests of a protected species

31. Competent Ecologist

In respect of reptiles all ecological measures and/or works shall be carried out by a competent ecologist (Biodiversity and Restoration Advisor) in accordance with the details contained in Section 6.3.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. A letter detailing the results of the translocations will be submitted to the Minerals Planning Authority by the ecologist within 14 days from the cessation of identified works.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

32. Grassland Ecological Network Mitigation

Prior to the commencement of the development hereby permitted the land to the east and west of Drove Farm, in the control of the applicant and with the following central National Grid Reference (NGR) points shall be identified and maintained as part of the Grassland Ecological Network (GEN):

- Field 1: NGR: E: 343912 N: 156575; and
- Field 2: NGR: E: 344269 N: 156589

Such details / plans identifying the site, as well as a management scheme for the land to meet the GEN requirements shall be submitted to and approved in writing by the Mineral Planning Authority. Such management scheme as approved shall be implemented and adhered to for the duration of extraction activities at the site as detailed in this planning application.

Reason: To provide mitigation for the loss of that part of the GEN currently provided by land that forms the Callow Rock Quarry Northern Extension.

33. Landscape Protection / Amenity Impact Mitigation

Prior to the commencement of the development hereby permitted details of the proposed landscape mitigation measures shall be submitted to, and approved in writing by, the Mineral Planning Authority. Such landscape mitigation measures shall include:

- A programme of works;
- Details of all soft landscape works to be provided including a programme for implementation and long-term management through the life of the quarrying activities and following the completion of quarrying activities;
- Details on subsoil and topsoil stripping, including location and method of storage before construction of the mitigation bunds/screening landform to the north, east and west of the extension area;
- Details on the minimum dimensions of the mitigation bunds/screening landform, including details of any soft landscape works, such as planting and seeding;
- Details on the 'look-out' point/viewing platform and interpretation boards;
- Details on the area of hardstanding to provide a local car parking facility and connection to the footpath network.

Once approved, the details shall be implemented in full for the duration of the development hereby permitted.

Reason: In the interests of the wider landscape and AONB.

1. The following is a summary of the reasons for the County Council's decision to grant planning permission.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:
 - Sedgemoor Core Strategy, adopted in September 2011;
 - Sedgemoor District Local Plan 1991-2011 (saved policies); and
 - Somerset Minerals Plan, adopted in February 2015.

The policies in those Plans particularly relevant to the proposed development are:

Sedgemoor Core Strategy:

Policy TM1 (Safe and Sustainable Transport):

The development would minimise and mitigate negative effects that could be experienced to PRoW and would result in comparable vehicle numbers to and from the site to that currently experienced (and at a level considered acceptable on the surrounding highway network by SCC Highways).

Policy S3 (Sustainable Development Principles):

The development would contribute to the provision of employment opportunities, maintain the character of the area and its biodiversity as well use an identified resource in a suitable way.

Policy S4 (Mitigating the Causes and Adapting to the Effects of Climate Change):

The development would utilise an existing resource, in a location suitably close to the end destination of the majority of the point of extraction, and with appropriate restoration and biodiversity enhancement to ensure its acceptability.

Policy D9 (Sustainable Transport and Movement):

From the details submitted the scheme would require / result in traffic movements comparable to current levels.

Policy D10 (Managing the Transport Impacts of Development):

The development would seek to protect and enhance PRow affected by the scheme, as well as ensure freight levels to and from the site are no greater than those experienced at the present time.

Policy D14 (Natural Environment):

The development is within the Mendip Hills AONB. In this case, with the proposed mitigation and final restoration and cessation of operations at Shipham Hill Quarry for the duration of extraction at Callow Rock Quarry, the proposal would in the long term ensure the character and aesthetic of this area is maintained.

Policy D16 (Pollution Impacts of Development and Protecting Residential Amenity):

Subject to full accordance with the planning conditions proposed the scheme should ensure impacts from noise, dust, vibration and impacts on water are suitably and appropriately mitigated, with minimal impact on the environment, residents and the areas' users alike.

Policy D17 (Historic Environment):

The development would not harm or impact negatively on identified heritage assets, so ensuring accordance with this policy.

Policy CNE16 (Groundwater Source Protection Zone):

The development seeks to include appropriate mitigation to manage the quality of water flows, and subject to planning conditions proposed, would be considered acceptable.

Somerset Minerals Plan

Policy DM1 (Landscape and visual amenity):

The development would be acceptable in terms of the wider landscape effect and visual amenity, subject to the progressive restoration being undertaken.

Policy DM2 (Biodiversity and geodiversity):

Subject to adherence to the detailed planning conditions the development would not have a long term effect on the sites' biodiversity

Policy DM3 (Historic Environment):

The development would have minimal effect or harm on the setting of identified heritage assets.

Policy DM4 (Water Resources and Flood Risk):

The development seeks to include appropriate mitigation to manage surface water flows, and subject to planning conditions proposed, would also manage subterranean water flows. The development would manage material on site, and would not result in pollution on or off site (in terms of water quality).

Policy DM6 (Public Rights of Way):

The proposed development would seek suitable diversion / alternative PRoW provision.

Policy DM7 (Restoration and Aftercare):

The proposed site would be restored and biodiversity enhanced areas created.

Policy DM8 (Mineral operations and the protection of local amenity):

The development would be acceptable in terms of amenity on surrounding users, subject to adherence to the proposed planning conditions.

Policy DM9 (Minerals transportation):

The development would process material generated from Callow Rock Quarry, and have sufficient capacity to manage waste from permitted reserves and would not directly result in any increase in traffic movements to and from the site or on the wider highway network.

Policy SD1 (Presumption in favour of sustainable development):

The development would contribute to the provision of employment opportunities, maintain the character of the area and its biodiversity as well use an identified resource in a suitable way.

Policy SMP3 (Proposals for the extraction of crushed rock):

The scheme would deliver clear economic benefits in a way that could be suitably mitigated.

3. The County Council has also had regard to all other material considerations.
4. Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.

STATEMENT OF ENGAGEMENT:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) in dealing with this application, the Mineral Planning Authority has worked with the applicant in the following positive and proactive manner. This proposal has been assessed against the NPPF and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval.

The Planning Authority has sought solutions to problems arising by considering the representations received, and liaising with consultees and the applicant/agent as necessary.

Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Appendix A:

SCC Ecology – Comments in full (No objection)

Further to my e-mail below, I should inform you that at the moment I am finding it hard to make a positive recommendation of approval with regards to this application.

Firstly I am not persuaded as yet that adequate measures are being put forward to compensate for the loss of habitat that is used by bats from SACs within range of the extension site. My colleague Larry Burrows is looking into this and drafting a Habitats Regulations Assessment. I understand that as yet he has not agreed with the applicant's ecologists concerning the outcomes of off-setting calculations. I should stress that in my view a proposal that relies on provision of replacement habitat in or around 2067 is not acceptable. Compensatory habitat ought to be in place and functional before phase 1 is even started.

Secondly, I have considered Somerset Wildlife Trust's representations concerning ecological networks and I have come to the conclusion that the extension fields form part of the local network. Removal of these fields from the network will weaken it and this seems to me to be contrary to current Minerals Plan policies. (The issue of impact on ecological networks is not addressed at all in any of the EIA material submitted so far, which seems odd given the prominence that they are given in the Minerals Plan).

Thirdly, there does seem to be a difference of opinion between SWT and the applicants concerning the floristic value of at least one of the fields that will be dug out in Phase 1.

I too need to get to the bottom of this issue by looking at the additional information that has been supplied.

Fourthly, I am unclear about what are the implications of the proposals for Shipham Hill Quarry which appears to be at least locally important for wildlife according to the information supplied thus far by the applicants. The consequence of all of the above is that I am currently leaning towards a recommendation of refusal and I think it is important that this is communicated to the applicants so that they are aware of the current situation.

Objection removed (subject to planning conditions and green network issues being resolved) (07.12.2017)

A number of surveys were carried out by Andrews Ecology in 2016 which as well as an overall ecological impact assessment included specific reports on bats, dormice, great crested newts, breeding birds, and invertebrates. The extension site at Callow Rock will result in the permanent loss of c. 11.8 hectares (ha) of lowland meadow, an s41 priority habitat and c. 0.5ha of hedgerows.

Designated Sites

The proposed development has the potential to affect features of three Special Areas of Conservation (SAC): the North Somerset and Sedgemoor Bats SAC;

Sedgemoor Woodlands SAC; and the Sedgemoor Limestone Grasslands SAC. Therefore a 'test of likely significant effect' (TOLSE) was carried out to determine whether a significant effect on the features of these European sites would occur as is the duty of the Minerals Planning Authority as the 'competent authority' under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The TOLSE was carried out and completed on 30 February 2017 by myself and submitted to Natural England for their view. Natural England agreed with the conclusion of the TOLSE that, provided that the two recommendations on relating to dust suppression measures and horseshoe bat replacement habitat are conditioned or subject to a s106 agreement, the proposed extension is unlikely to effect the integrity of European designated sites. The requirements to secure no significant effect on the SACs need to be conditioned:

- The development shall be carried out strictly in accordance with mitigation measures for the suppression of dust set out in Sections 7.1 to 7.15 in the Advance Environment 'Report on the Potential Impact of Dust from the Proposed Northern Extension to Mineral Extraction Operations at Aggregate Industries UK Limited Callow Rock Quarry Cheddar Somerset' unless otherwise approved in writing by the Minerals Planning Authority.

Reason: In the interests of the integrity of a European site

This measure would also afford protection from dust effects on the Callow Drove Fields Local Wildlife Site which is adjacent the extension to the north

The other requirement of the TOLSE was with regard to the loss of habitat for greater and lesser horseshoe bats, features of the North Somerset and Sedgemoor Bats SAC. Surveys by Andrews Ecology recorded greater and lesser horseshoe bat use of the application site in 2016 as did radio tracking studies of horseshoe bats from the Cheddar Complex component site of the SAC carried out in 1999 and 2013. The conclusion stated that 'A minimum of 13.9 hectares up to 21.85 hectares, dependent on the value of the receptor site to horseshoe bats, of habitat for and accessible to horseshoe bats, including species rich meadow, scrub and hedgerows, must be created or enhanced. Alternatively the same area, either wholly or in part with any habitat enhancement, can be managed in a manner to the benefit of horseshoe bats over the existing agricultural regime. A 'Mitigation Strategy for Horseshoe Bats' demonstrating how these enhancements will be achieved will be submitted to and agreed with the Local Planning Authority prior to work commencing on site. These measures will be planted and / or arranged in strict accordance with the Mitigation Strategy unless otherwise agreed in writing by the Local Planning Authority.'

Subsequent to this condition Karen Turvey and I had meetings with the applicant and their ecological consultants where a proposal for the replacement habitat was agreed with us. This is set out in Section 4 of the ecological management plan (EMP) which is Appendix 3 of the 'ES- Additional Environmental Information' (Aggregate Industries, April 2017).

- All ecological measures and/or works for horseshoe bats shall be carried out in accordance with the details contained in Section 4 of the 'Ecological Management

Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. These measures will be carried out prior to the commencement of ground works for the quarry extension and be confirmed in writing to the Minerals Planning Authority.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

The ES- Additional Environmental Information contains a draft ecological management plan (EMP) produced by Andrews Ecology (April 2017). However, this needs to be conditioned to ensure that the mitigation for the effects on horseshoe bats is maintained for the duration of the development and hence that no significant effect occurs subsequent to the implementation of the permission. The submission also stated that '... the EMP would be conditioned in any grant of planning permission'. However, the EMP mixes method statements for avoiding impacts on species from the proposed development with that of land management for ecology, the role of a Landscape and Ecology Management Plan. I would therefore recommend that the following be conditioned:

- A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement or occupation of the development [or specified phase of development]. The content of the LEMP shall include the following.*
- a) Description and evaluation of features to be managed;*
- b) Ecological trends and constraints on site that might influence management;*
- c) Aims and objectives of management;*
- d) Appropriate management options for achieving aims and objectives;*
- e) Prescriptions for management actions;*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*
- g) Details of the body or organization responsible for implementation of the plan;*
- h) On-going monitoring for horseshoe bats and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(bodies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

Hazel Dormouse

Hazel Dormice are known to occur in hedgerows within the replacement area for greater horseshoe bats. The above LEMP condition will therefore also cover the management of these hedgerows to prevent harm to this species

Ecological Networks

The proposed development would result in the loss of part of the grassland network of the Somerset Ecological Network. This equates to the loss of the three fields in the proposed extension area will result in the shrinkage of the grassland ecological network present, even after the construction of the proposed bund, which will be narrow and take some time to establish. Following submission of the ES- Additional Environmental Information Somerset Wildlife Trust (letter dated 10 May 2017) stated 'Given the timescale before a full aftercare restoration plan is completed it is difficult to avoid the fact that habitat loss will be the net result within the quarry site of the proposed extension'.

The loss of the core habitat and dispersal area of the grassland ecological network in the fields of the extension site will not be mitigated for at all by the bat mitigation. Whilst the bat mitigation aims to introduce cattle grazing to two existing fields in Andrews Ecology's Area 3 and carry out scrub control – both of which are potentially beneficial to the area of core grassland habitat already present in Area 3 – this is a separate grassland ecological network to the one north of Callow Rock which is to be affected by the extension site. There will be no net gain to core habitat by this mitigation and there are no physical links between the two networks west and east of the road.

In addition the extension would result in loss '... to the woodland ecological network, the loss of the three fields to the north of the consented quarry will still result in a loss of 11 ha of woodland dispersal area creating a very 'hard' edge to the core woodland habitat of Callow Drove LWS and the core habitat lying to the east of the easternmost field of the extension site; both of which will decrease the resilience of that area of the network through increased edge effects/potential disturbance' (Somerset Wildlife Trust, May 2017). However, I do not consider its loss would have much effect on the network and that its functioning would not be significantly compromised for specialist species. No direct loss of woodland would occur as a result of the proposed development. This woodland network which is extensive would be enhanced by the mitigation proposed for the SAC.

The Wildlife Trust suggests, as way forward, 'AI and Andrew's Ecology are to be commended for attempting to address the concerns we have over the loss of the size, connectivity and resilience of the Somerset's ecological networks within the AI landholding but SWT feel that in order to fully mitigate the loss of habitat as a result of the proposed extension what is required is a broader view, taking in the wider landscape of the West Sedgemoor and aiming for a landscape scale, not site based, conservation project to protect and enhance the biodiversity present and potentially achievable. SWT envisage a co-operative landscape scale conservation project with neighbouring landowners to enhance the biodiversity of the grasslands beyond but in the vicinity of the quarry, strengthening the resilience in particular of the grassland

ecological network in a substantial rather than piecemeal way, and working to greatly enhance the connectivity of the woodland network for its associated species (particularly bats and dormouse)'.

This is still to be resolved. Policy DM2 states, 'The weight of protection given to a site will be that afforded by... its sensitivity and function in maintaining the biodiversity of the county, and its role in maintaining the connectivity and resilience of the county's ecological networks.' Paragraph 14.6 states that 'Gains are sought through the planning process, are achievable both on and off-site through a combination of measures that recognise how local ecological networks work.'

Other Bat Species

Bat surveys were carried out by automated detector in May, July and September 2016. Twelve bat species were recorded during these surveys. Most hedgerows were considered by Andrews Ecology to be of negligible or low value to foraging bats due to their small structures. Cattle are present in low numbers year round. Only the northern and eastern boundary was considered to be of high value. As the 'competent authority' under the Habitats Regulations an assessment of 'Favourable Conservation Status' of populations of European protected species before determining an application and re[ported in the officer's report to committee.

In terms of the 'Favourable Conservation Status' (FCS) of other bat populations affected by the development:

Natterer's bat was recorded commuting on the western boundary on one occasion in July. Serotine bats were only recorded in September hunting around the east central hedgerow and the northern boundary. The species is not particularly associated with habitat structure for flight lines and prefers to hunt over pasture next to woodland which these fields represent. A small herd of twenty Friesian cows were present in September may have influenced their presence. There would be some loss of feeding resource but is unlikely to affect the FCS of the local population which would also benefit from the enhancements provided for greater horseshoe bats.

These included overflying noctule and Leisler's bats which are unlikely to be affected significantly by the loss of the fields. Leisler's were only recorded commuting across the site but noctule were recorded foraging in the area of the east central hedgerow on one occasion in September but is likely to be linked to the woodland rather than the fields. They are not reliant on habitat structure for flight lines. Nathusius' pipistrelle was recorded commuting over the site on three occasions. The most common species of bat foraging over the site are common and soprano pipistrelle. The former species showed notable feeding activity along the western boundary in July and September but were recorded hunting on all boundaries except along the southern quarry edge. Seventy two percent of activity is associated within retained linear landscape elements. Soprano pipistrelles again were biased to the western boundary and 86% of activity is associated within retained linear landscape elements. It is considered that it unlikely that the FCS of either species would be significantly affected by the proposed extension.

The rare barbastelle bat was recorded along the northern boundary only and hunting on one occasion. The principal prey of barbastelle bats are small moths and it is possible that there is a concentration of these species along the northern boundary. Daytime invertebrate surveys (Andrews, November 2016) indicate that the site is not especially rich in Lepidopteran species; only one such species was recorded. The woodland edge that would be retained and it is unlikely that a significant effect to the local population would occur. Brown long-eared bats were recorded commuting along all but the southern boundary of the site in September. However, no foraging behaviour exploiting the hedgerows was identified and the loss of the fields and hedgerows is unlikely to be significant to the FCS of the local population. They use hedgerows to commute and forage mainly in woodland and around trees tending to avoid open land.

The presence of roosting sites for bats was considered by Andrews Ecology. They state that 'Weathering of mature trees, cliff-faces and even derelict structures within a site may result in the formation of suitable bat-roost features in the period between one quarrying phase and the next. Once such a feature does form, bats may immediately exploit it. Conversely, the same actions may result in the degradation and loss of existing features meaning that the bats that had exploited them have to seek alternative roost sites. This has the effect of making the presence of bats in a site unpredictable from one year to the next. Therefore a safeguarding strategy has been recommended. This needs to be conditioned as follows:

- In respect of potential bat roosts of cliff faces all ecological measures and/or works for horseshoe bats shall be carried out by a licensed bat ecologist in accordance with the details contained in Section 6.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Where surveys are required a letter detailing the findings and any actions required will be submitted to the Minerals Planning Authority by the licensed bat ecologist.*

Reason: In the interests of the integrity of the horseshoe bat features of European sites

Nesting Birds

A survey for breeding birds was carried out by Andrews Ecology in 2016.

The survey observed at least one pair of skylarks, an s41 priority species and BoCC red listed, nesting on the extension site. They are ground nesting species which uses open fields. Therefore, the available habitat will be lost due to the proposed quarry extension. Linnet, another s41 priority species and BoCC red listed, nests in low brush and tussock grassland. Again this would be potentially lost by the quarry extension. Dunnock an s41 priority species and BoCC red listed, nest in thick scrub and on the margins of woodland are unlikely to be affected. Widespread species such as chiffchaff; blackbird; willow warbler (BoCC amber listed); meadow pipit (BoCC amber listed); and goldfinch. In addition, there would be a loss of foraging habitat for these species and in addition swallows. Mitigation will not be possible on site but could be possible within the enhancement of grassland habitats replacing

those lost in the Ecological Network. In addition, Andrews Ecology recommends safeguarding strategies in respect of nesting birds.

- No ground works, vegetative clearance or removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the groundworks, where vegetation is cleared or work to buildings or structures carried out and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds

Badgers

A badger survey performed by Andrews Ecology in 2016 found no setts, but did discover two fresh latrines on the northern boundary of the proposed extension site, and badger pathways leading to and from the latrines indicated that badgers were entering to forage in the pasture. As badgers can colonise an area of suitable habitat, digging an outlier sett within a single night, I would recommend that the following be conditioned:

- Prior to commencement of each working phase, and any of the following operations: soil stripping, tree-felling or the grubbing up / flailing of hedgerows or scrub, fence installation and the creation or taking down of any screening bund or soil storage mound, a walkover survey will be carried out by a competent ecologist to check for badger's sett. A letter will be submitted to the Minerals Planning Authority reporting the findings and actions required.

Reason: In the interests of a protected species

Reptiles

A reptile survey undertaken by Andrews Ecology in 2016 proved positive for reptile presence within the proposed extension site with a peak count of four adult common lizards, one juvenile common lizard and one adult grass snake recorded. All encounters with common reptiles were in the margins of the proposed extension site and not within the more open grassland areas. The soils stripped from the proposed extension site will be used to create screening bunds on the northern, eastern and western margins. These are likely to provide exactly the sort of south-facing slopes that are favoured by both common lizards and grass snakes. As a result, any loss of habitat will be temporary. However, reptiles will need to be protected from during the development and it is recommended that the following be conditioned:

- In respect of reptiles all ecological measures and/or works shall be carried out by a competent ecologist (Biodiversity and Restoration Advisor) in accordance with the details contained in Section 6.3.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017)

as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. A letter detailing the results of the translocations will be submitted to the Minerals Planning Authority by the ecologist.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

Conclusion

I have no objection to the application provided that the recommended conditions are applied and that the Grassland Ecological Network issue is resolved in line with Policy DM2 and mitigation for ground nesting birds.

NOTE: as mitigation for effects on the identified Grassland Ecological Network (GEN) the applicant has proposed to set aside two areas of land to the east and west of Drove Farm to link in with the GEN (NGR: E: 343971 N: 156548 and NGR: E: 344251 N: 156573). This has been deemed appropriate and acceptable by the SCC Ecologist and will be detailed in planning conditions.